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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger, CPC

**Meeting No. 1**

**Thursday, May 4, 2006**

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**ORDER OF THE DAY:**

The Clerk of the Committee presided over the election of a Chair.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell  
Patrick Brown  
Joe Comartin  
Carole Freeman  
Michael Ignatieff  
Derek Lee  
Réal Ménard  
Rob Moore  
Myron Thompson

**ACTING MEMBERS PRESENT:**

Mike Allen for Art Hanger  
Brian Murphy for Hon. Sue Barnes  
Joy Smith for Daniel Petit





**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal

Robin MacKay, Analyst

*House of Commons:*

Carmen DePape, Committee Clerk

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Diane Diotte  
Clerk of the Committee



Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 1

Thursday, May 4, 2006

The Standing Committee on Justice and Human Rights met at 3:39 p.m. this day, in Room 308, West Block, for the purpose of electing a Chair, pursuant to Standing Order 106(1).

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Michael Ignatieff, Derek Lee, Réal Ménard, Rob Moore and Myron Thompson.

*Acting Members present:* Mike Allen for Art Hanger, Brian Murphy for Hon. Sue Barnes and Joy Smith for Daniel Petit.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Carmen DePape, Committee Clerk.

The Clerk of the Committee presided over the election of a Chair.

On motion of Myron Thompson, it was agreed, — That Art Hanger be elected Chair of the Committee in absentia.

On motion of Larry Bagnell, it was agreed, — That Derek Lee be elected First Vice-Chair of the Committee.

On motion of Carole Freeman, it was agreed, — That Réal Ménard be elected Second Vice-Chair of the Committee.

Derek Lee took the Chair.

On motion of Brian Murphy, it was agreed, — That the Committee retain, as needed and at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist it in its work.

On motion of Joe Comartin, it was agreed, — That the Subcommittee on Agenda and Procedure be composed of the Chair, the two Vice-Chairs and a member of the other opposition party.

On motion of Larry Bagnell, it was agreed, — That the Chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three (3) members are present, including one member of the opposition.

On motion of Larry Bagnell, it was agreed, — That the Clerk of the Committee be authorized to distribute to the members of the Committee only documents that are available in both official languages.

On motion of Larry Bagnell, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the Committee and its Subcommittees.

On motion of Michael Ignatieff, it was agreed, — That witnesses be given ten (10) minutes for their opening statement; that, at the discretion of the Chair, during the questioning of witnesses, there be



allocated seven (7) minutes for the first questioner of each party; starting with the Opposition parties; and that thereafter, five (5) minutes be allocated to each subsequent questioner until every member has spoken once.

On motion of Larry Bagnell, it was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding two (2) representatives per organization; and that, in exceptional circumstances, payment for more representatives be made at the discretion of the Chair.

On motion of Réal Ménard, it was agreed, — That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person, as designated by the member, at an *in camera* meeting.

On motion of Patrick Brown, it was agreed, — That, when a Private Members' Business Bill is referred to the Committee, it be placed on the Agenda and that its sponsor be invited to appear before the Committee.

On motion of Joe Comartin, it was agreed, — That one copy of the transcript of each *in camera* meeting be kept in the Committee Clerk's office for consultation by members of the Committee.

On motion of Rob Moore, it was agreed, — That 48 hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages.

It was agreed, — That on Tuesday, May 9, 2006, the Committee hold a briefing session pertaining to sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

At 4:04 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/05/05 2:22 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger, CPC.

**Meeting No. 2**

**Tuesday, May 9, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell  
Hon. Sue Barnes  
Patrick Brown  
Carole Freeman  
Art Hanger  
Michael Ignatieff  
Derek Lee  
Réal Ménard  
Myron Thompson

**ACTING MEMBERS PRESENT:**

Joy Smith for Daniel Petit  
Mark Warawa for Rob Moore

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal  
Robin MacKay, Analyst

**WITNESSES:**

*Department of Justice:*

Shawn Scromeda, Counsel, Criminal Law Policy Section  
Erin McKey, Senior Counsel, Criminal Law Policy Section  
Michael Zigayer, Senior Counsel, Criminal Law Policy Section

Shawn Scromeda made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee



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Close

## MINUTES OF PROCEEDINGS

Meeting No. 2

Tuesday, May 9, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Carole Freeman, Art Hanger, Michael Ignatieff, Derek Lee, Réal Ménard and Myron Thompson.

*Acting Members present:* Joy Smith for Daniel Petit and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: Department of Justice:* Shawn Scromeda, Counsel, Criminal Law Policy Section; Erin McKey, Senior Counsel, Criminal Law Policy Section; Michael Zigayer, Senior Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee commenced a review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

Shawn Scromeda made a statement and, with the other witnesses, answered questions.

At 5:20 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/05/10 1:33 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger, CPC

**Meeting No. 3**

**Thursday, May 11, 2006**

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**IN CAMERA**





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## MINUTES OF PROCEEDINGS

Meeting No. 3

Thursday, May 11, 2006

The Standing Committee on Justice and Human Rights met *in camera* at 3:38 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Carole Freeman, Art Hanger, Michael Ignatieff, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Libby Davies for Joe Comartin.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the First Report of the Subcommittee on Agenda and Procedure.

It was agreed, — That the Minister of Justice be invited to appear before the Committee on Tuesday, May 16, 2006 to discuss the Main Estimates 2006-2007.

It was agreed, — That the Clerk invite witnesses in relation to the review of Sections 25.1 to 25.4 of the *Criminal Code* (protection of persons administrating and enforcing the law) for hearings to start on May 30th, 2006.

It was agreed, — That the letter to the Chairman asking for the establishment of a Subcommittee on Solicitation Laws be referred to the Subcommittee on Agenda and Procedure to be discussed at their next meeting.

At 4:24 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/05/12 2:58 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger. CPC

**Meeting No. 4**

**Tuesday, May 16, 2006**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2006-2007: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Tuesday, April 25, 2006.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Michael Ignatieff,  
Derek Lee,  
Réal Ménard  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Jean-Yves Roy for Réal Ménard,  
Joy Smith for Daniel Petit,  
and Mark Warawa for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Robin MacKay, Analyst.

**APPEARING:**

Hon. Vic Toews, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

John Sims, Deputy Minister and Deputy Attorney General;  
Michel Bouchard, Associate Deputy Minister.

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Diane Diotte  
Clerk of the Committee



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## MINUTES OF PROCEEDINGS

Meeting No. 4

Tuesday, May 16, 2006

The Standing Committee on Justice and Human Rights met in a televised session at 3:31 p.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Michael Ignatieff, Derek Lee, Réal Ménard and Myron Thompson.

*Acting Members present:* Jean-Yves Roy for Réal Ménard, Joy Smith for Daniel Petit and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Appearing:* Hon. Vic Toews, Minister of Justice.

*Witnesses: Department of Justice:* John Sims, Deputy Minister and Deputy Attorney General; Michel Bouchard, Associate Deputy Minister.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2006-2007: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Tuesday, April 25, 2006.

The Minister made a statement and with the other witnesses answered questions.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/05/17 11:57 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 5**

**Tuesday, May 30, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Luc Harvey for Daniel Petit,  
Lloyd St. Amand for Michael Ignatieff,  
and Mark Warawa for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Robin MacKay, Analyst.

**WITNESSES:**

*Department of Public Safety and Emergency Preparedness Canada:*  
Barry MacKillop, Senior Director, National Strategies Division.

*Royal Canadian Mounted Police:*  
Raf Souccar, Assistant Commissioner, Federal and International Operations;  
Thomas Bucher, Director, Organized Crime, Federal and International Operations.

Raf Souccar made a statement and, with the other witness from the Royal Canadian Mounted Police, answered questions.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 5

Tuesday, May 30, 2006

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard and Myron Thompson.

*Acting Members present:* Luc Harvey for Daniel Petit, Lloyd St. Amand for Michael Ignatieff and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: Department of Public Safety and Emergency Preparedness Canada:* Barry MacKillop, Senior Director, National Strategies Division. *Royal Canadian Mounted Police:* Raf Souccar, Assistant Commissioner, Federal and International Operations; Thomas Bucher, Director, Organized Crime, Federal and International Operations.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

Barry MacKillop made a statement and answered questions.

Raf Souccar made a statement and, with the other witness from the Royal Canadian Mounted Police, answered questions.

It was agreed, — That the Committee proceed to sit *in camera*.

At 5:14 p.m., the sitting was suspended.

At 5:16 p.m., it was agreed that the sitting resume, *in camera*, without recording.

At 5:36 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/05/31 10:37 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 6**

**Thursday, June 1, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Ken Boshcoff for Hon. Larry Bagnell,  
and John Maloney for Michael Ignatieff.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Robin MacKay, Analyst.

**WITNESSES:**

*Criminal Lawyers' Association:*

Peter Copeland, Representative.

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Diane Diotte  
Clerk of the Committee



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## MINUTES OF PROCEEDINGS

Meeting No. 6

Thursday, June 1, 2006

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Ken Boshcoff for Hon. Larry Bagnell and John Maloney for Michael Ignatieff.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: Criminal Lawyers' Association:* Peter Copeland, Representative.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The witness made a statement and answered questions.

At 4:39 p.m., the sitting was suspended.

At 4:42 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Second Report from the Subcommittee on Agenda and Procedure which read as follows:

— That the budget of the Committee in the amount of \$38,000 for the review of Sections 25.1 to 25.4 of the Criminal Code be adopted.

— That the following groups/individuals be invited to appear at one of our 3 next meetings (June 6, June 8 or June 13) in relation to the review of Sections 25.1 to 25.4 of the Criminal Code :

Sureté du Québec

Ontario Provincial Police

City of Toronto

City of Montreal

Grégoire Webber

— That, pursuant to Standing Order 108, there be established a Subcommittee on Solicitation Laws ;

that the Subcommittee be composed of six (6) members including 2 members of the Conservative Party, 2 members of the Liberal Party, 1 member of the Bloc Québécois and 1 member of the New Democratic Party to be named by the Committee; that the subcommittee ensure that all evidence submitted to the Subcommittee on Solicitation Laws in the 38th Parliament be included in their report; that the subcommittee consider if additional hearings are needed to clarify previously submitted evidence in the 38th Parliament; that the Subcommittee report to the Committee by December 8, 2006 ; and that the subcommittee have all the powers of the Committee under Standing Order 108(1)a) except the power to report directly to the House.

It was agreed, — That the budget of the Committee in the amount of \$38,000 for the review of Sections 25.1 to 25.4 of the Criminal Code be adopted.

It was agreed, — That the following groups/individuals be invited to appear at one of our 3 next meetings (June 6, June 8 or June 13) in relation to the review of Sections 25.1 to 25.4 of the Criminal Code :

Sureté du Québec

Ontario Provincial Police

City of Toronto

City of Montreal

Grégoire Webber.

It was agreed, — That adoption of the final part of the Agenda and Procedure Subcommittee's report would be postponed in order to give colleagues in the government majority, in good faith and in a climate of cooperation, time to consult the whip or leader of their government, and that the Committee would proceed with the adoption of the final part of the report next Tuesday, June 6, 2006.

At 5:10 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/05 1:25 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 7**

**Tuesday, June 6, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Rodger Cuzner for Michael Ignatieff.



**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Robin MacKay, Analyst.

**WITNESSES:**

*As an Individual:*

Grégoire Webber, Trudeau Scholar, Pierre Elliott Trudeau  
Foundation, Oxford University.

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Diane Diotte  
Clerk of the Committee

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 7

Tuesday, June 6, 2006

The Standing Committee on Justice and Human Rights met by videoconference at 3:31 p.m. this day, in Room 701, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Rodger Cuzner for Michael Ignatieff.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: As an individual:* Grégoire Webber, Trudeau Scholar, Pierre Elliott Trudeau Foundation, Oxford University.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The witness made a statement and answered questions.

At 4:35 p.m., the sitting was suspended.

At 4:42 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The following motion was moved — That, pursuant to Standing Order 108, there be established a Subcommittee on Solicitation Laws; that the Subcommittee be composed of six (6) members including 2 members of the Conservative Party, 2 members of the Liberal Party, 1 member of the Bloc Québécois and 1 member of the New Democratic Party to be named by the Committee, in consultation with the whips; that the subcommittee ensure that all published evidence submitted to the Subcommittee on Solicitation Laws in the 38th Parliament be thoroughly referenced in their report; that the subcommittee consider if additional hearings are needed to clarify previously submitted evidence in the 38th Parliament; that the Subcommittee report to the Committee by December 8, 2006; and that the subcommittee have all the powers of the Committee under Standing Order 108(1)a) except the power to report directly to the House.

After debate, the motion was agreed to.

At 5:00 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/07 2:43 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 8**

**Thursday, June 8, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Hon. John McKay for Michael Ignatieff.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Robin MacKay, Analyst.

**WITNESSES:**

*Canadian Bar Association:*

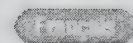
Gregory DelBigio, Chair, National Criminal Justice Section;  
Tamra L. Thomson, Director, Legislation and Law Reform.

*Ligue des droits et libertés:*

Denis Barrette, Legal Counsel;  
Pierre-Louis Fortin-Legris, Case Officer.

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Diane Diotte  
Clerk of the Committee



Close

## MINUTES OF PROCEEDINGS

Meeting No. 8

Thursday, June 8, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Hon. John McKay for Michael Ignatieff.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: Canadian Bar Association:* Gregory DelBigio, Chair, National Criminal Justice Section; Tamra L. Thomson, Director, Legislation and Law Reform. *Ligue des droits et libertés:* Denis Barrette, Legal Counsel; Pierre-Louis Fortin-Legris, Case Officer.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The witnesses made statements and answered questions.

At 5:05 p.m., Mr. Lee took the Chair.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/09 1:40 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger, CPC

**Meeting No. 9**

**Tuesday, June 13, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Michael Ignatieff,  
Derek Lee,  
Réal Ménard  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Luc Harvey for Daniel Petit,  
Scott Simms for Derek Lee,  
and Mark Warawa for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Robin MacKay, Analyst.

**WITNESSES:**

*Canadian Civil Liberties Association:*

Ken Swan, Representative;  
Alexi Nicole Wood, Director, Program Safety Project;  
Brooke Wagner, Intern.

*Canadian Council of Criminal Defence Lawyers:*

Jeanine LeRoy, Representative, Criminal Law Chambers.

Alexi Nicole Wood made a statement and, with Ken Swan, answered questions.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 9

Tuesday, June 13, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Michael Ignatieff, Derek Lee, Réal Ménard and Myron Thompson.

*Acting Members present:* Luc Harvey for Daniel Petit, Scott Simms for Derek Lee and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst.

*Witnesses: Canadian Civil Liberties Association:* Ken Swan, Representative; Alexi Nicole Wood, Director, Program Safety Project; Brooke Wagner, Intern. *Canadian Council of Criminal Defence Lawyers:* Jeanine LeRoy, Representative, Criminal Law Chambers.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

Alexi Nicole Wood made a statement and, with Ken Swan, answered questions.

Jeanine LeRoy made a statement and answered questions.

At 4:54 p.m., the sitting was suspended.

At 5:00 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

At 5:36 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/15 10:30 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 10**

**Thursday, June 15, 2006**

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**IN CAMERA**



 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 10

Thursday, June 15, 2006

The Standing Committee on Justice and Human Rights met *in camera* at 3:35 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Libby Davies for Joe Comartin, Mario Laframboise for Carole Freeman and John Maloney for Michael Ignatieff.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Philip Rosen, Principal. *House of Commons:* Samy Agha, Procedural Clerk.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The Committee gave instructions for the drafting of a report to the analysts.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee consider Bill C-9 and Bill C-10 in the fall, starting with Bill C-9.

It was agreed, — That the Committee invite the Minister of Justice to appear with respect to Bill C-9, when it resumes its work in September 2006.

At 5:10 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/19 2:31 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

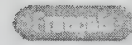
**Meeting No. 11**

**Tuesday, June 20, 2006**

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**IN CAMERA**





Close

## MINUTES OF PROCEEDINGS

Meeting No. 11

Tuesday, June 20, 2006

The Standing Committee on Justice and Human Rights met *in camera* at 3:55 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Daniel Petit and Myron Thompson.

*Acting Members present:* Hon. Raymond Simard for Michael Ignatieff and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The Committee considered its draft report.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/21 9:20 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 12**

**Wednesday, June 21, 2006**

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**IN CAMERA**



[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 12

Wednesday, June 21, 2006

The Standing Committee on Justice and Human Rights met *in camera* at 1:18 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Garry Breitkreuz for Myron Thompson and Hon. Raymond Simard for Michael Ignatieff.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Robin MacKay, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

Pursuant to the Order of Reference of Tuesday, April 25, 2006, the Committee resumed the review of Sections 25.1 to 25.4 of the Criminal Code (protection of persons administering and enforcing the law).

The Committee resumed consideration of a draft report.

It was agreed, — That the draft report, as amended, be adopted.

It was agreed, — That the Chair, Clerk and analysts be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Chair present the report to the House.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Clerk of the Committee start inviting witnesses concerning Bill C-9.

It was agreed, — That the Committee meet with a group of parliamentarians from Iraq when they stop in Ottawa in July 2006.

At 2:00 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/06/21 4:05 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger, CPC.

**Meeting No. 13**

**Tuesday, September 19, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Michael Ignatieff,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**OTHER MEMBERS PRESENT:**

Marc Lemay.



**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Dominique Valiquet, Analyst.

*House of Commons:*

Samy Agha, Procedural Clerk;

**APPEARING:**

Hon. Vic Toews, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Catherine Kane, Senior Counsel, Director, Policy Centre for  
Victim Issues.

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Diane Diotte  
Clerk of the Committee

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Close

## MINUTES OF PROCEEDINGS

Meeting No. 13

Tuesday, September 19, 2006

The Standing Committee on Justice and Human Rights met in a televised session at 3:55 p.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Michael Ignatieff, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Other Members present:* Marc Lemay.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Dominique Valiquet, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

*Appearing:* Hon. Vic Toews, Minister of Justice.

*Witnesses: Department of Justice:* Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee commenced consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The minister made a statement and with the other witness answered questions.

At 6:00 p.m., the Committee adjourned to the call of the Chair.

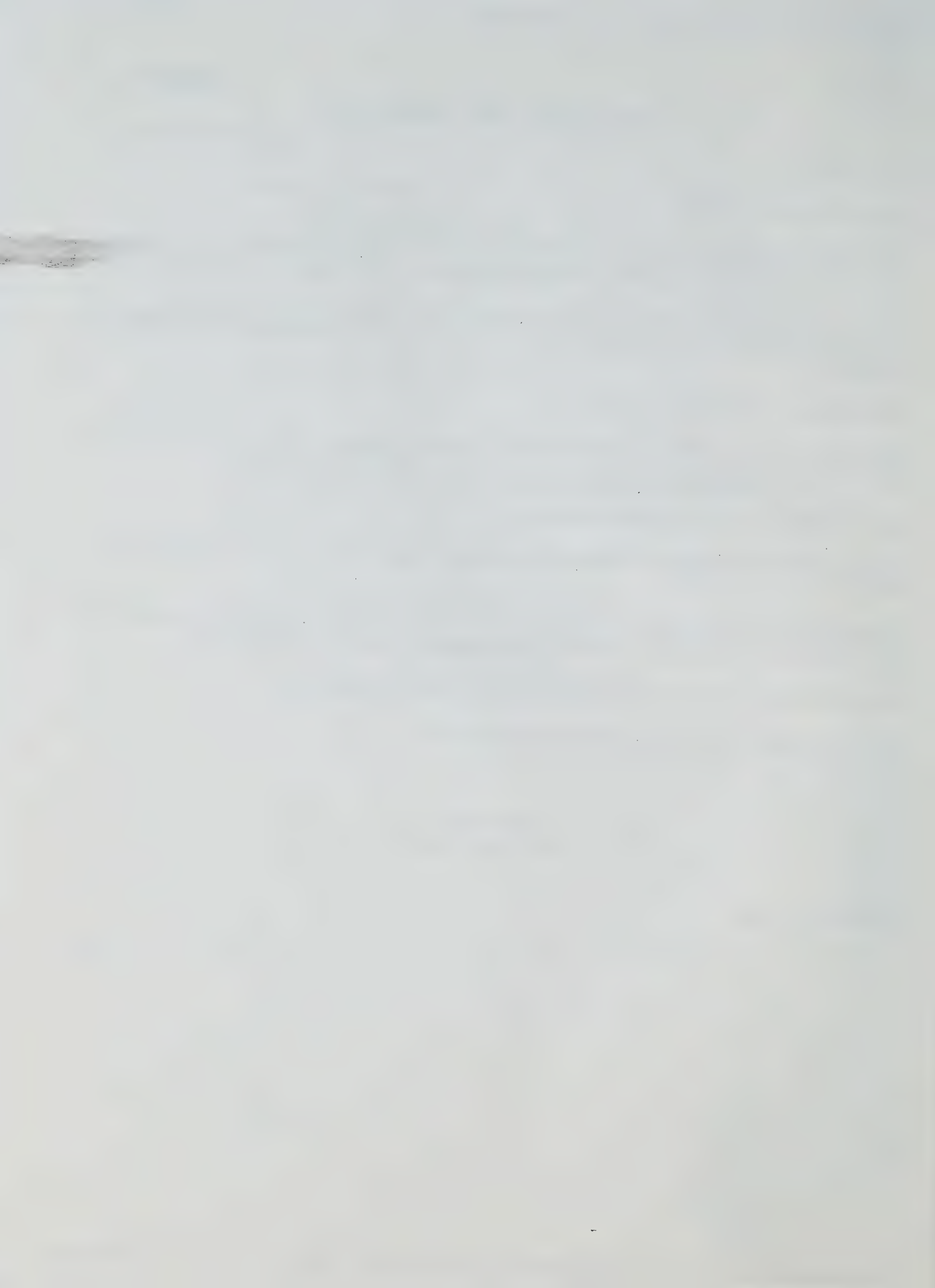
Diane Diotte  
Clerk of the Committee

2006/09/20 2:21 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 14**

**Thursday, September 21, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman,  
and Judy Wasylycia-Leis for Joe Comartin.

**ASSOCIATE MEMBERS PRESENT:**

Luc Harvey.

**IN ATTENDANCE:**

*House of Commons:*

Samy Agha, Procedural Clerk.

*Library of Parliament:*

Philip Rosen, Principal;

Dominique Valiquet, Analyst.

**WITNESSES:**

*Canadian Centre for Justice Statistics:*

Lynn Barr-Telford, Director, Statistics Canada;

Craig Grimes, Project Manager, Courts Program, Statistics  
Canada;

Michael Martin, Chief, Correctional Services Program, Statistics  
Canada.

Lynn Barr-Telford made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 14

Thursday, September 21, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman and Judy Wasylcia-Leis for Joe Comartin.

Brian Murphy for Michael Ignatieff.

*Associate Members present:* Luc Harvey.

*In attendance: House of Commons:* Samy Agha, Procedural Clerk. *Library of Parliament:* Philip Rosen, Principal; Dominique Valiquet, Analyst.

*Witnesses: Canadian Centre for Justice Statistics:* Lynn Barr-Telford, Director, Statistics Canada; Craig Grimes, Project Manager, Courts Program, Statistics Canada; Michael Martin, Chief, Correctional Services Program, Statistics Canada.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

Lynn Barr-Telford made a statement and, with the other witnesses, answered questions.

At 5:30 p.m., the sitting was suspended.

At 5:35p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Third Report from the Subcommittee on Agenda and Procedure which read as follows:

Your Subcommittee met on Wednesday, September 20, 2006, to consider the business of the Committee and agreed to make the following recommendations:

1. That the Committee meet on Monday and Wednesday afternoon this Fall, starting in the month of October, and that an additional meeting be added for the weeks of September 25, October 2 and October 16, 2006, to study Bill C-9.
2. That 27 groups/individuals be invited to appear in relation to Bill C-9 and that those witnesses be organised in panels of four. See list of witnesses attached.



3. That a budget be prepared for the study of Bill C-9 based on this list of witnesses.
4. That the clause by clause study of Bill C-9 take place on Wednesday, October 18, 2006.
5. That the study of Bill C-17, an Act to amend the Judges Act and certain other Acts in relation to courts, take place after the study of Bill C-9 but before the study of Bill C-10.
6. That the Committee explore the possibility of holding meetings concerning the Estimates this Fall.

It was agreed, — That the Third Report of the Subcommittee on Agenda and Procedure of the Standing Committee on Justice and Human Rights be concurred in.

It was agreed, — That the proposed budget in the amount of \$ 54,020, for consideration of Bill C-9, be adopted.

At 5:45 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/09/25 9:27 a.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 15**

**Tuesday, September 26, 2006**

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**ORDER OF THE DAY:**

The Clerk of the Committee presided over the election of a Chair.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Dominique Valiquet, Analyst.

*House of Commons:*

Louise Hayes, Committee Clerk.

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Diane Diotte  
Clerk of the Committee

Français

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 15

Tuesday, September 26, 2006

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 371, West Block, for the purpose of electing a Chair, pursuant to Standing Order 106(2).

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Dominique Valiquet, Analyst. *House of Commons:* Louise Hayes, Committee Clerk.

The Clerk of the Committee presided over the election of a Chair.

On motion of Myron Thompson, it was agreed, — That Art Hanger be elected Chair of the Committee.

On motion of Réal Ménard, it was agreed, — That the Vice-Chairs elected at the beginning of the present session be reconfirmed in their position.

Art Hanger took the Chair.

At 3:42 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/09/27 5:34 p.m.





HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES FO PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 16**

**Tuesday, September 26, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Canadian Police Association:*

Tony Cannavino, President;  
David Griffin, Executive Officer.

*Association des services de réhabilitation sociale du Québec Inc.:*

Jean-François Cusson, Crime Analyst;  
Patrick Altimas, Director General.

*Canadian HIV/AIDS Legal Network:*

Richard Elliott, Deputy Director, Policy Unit.

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Diane Diotte  
Clerk of the Committee



[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 16

Tuesday, September 26, 2006

The Standing Committee on Justice and Human Rights met at 3:44 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Philip Rosen, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Canadian Police Association:* Tony Cannavino, President; David Griffin, Executive Officer. *Association des services de réhabilitation sociale du Québec Inc.:* Jean-François Cusson, Crime Analyst; Patrick Altimas, Director General. *Canadian HIV/AIDS Legal Network:* Richard Elliott, Deputy Director, Policy Unit.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The witnesses made statements and answered questions.

At 5:45 p.m., the sitting was suspended.

At 5:46 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the three (3) following groups - individual be added to the list of witnesses in relation to the study of Bill C-9:

Canadian Centre for Abuse Awareness

Canadian Council of Criminal Defence Lawyers

Charles R. Stuart, Yukon College.

At 5:51 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/09/27 2:40 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 17**

**Thursday, September 28, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Cheryl Gallant for Myron Thompson,  
Serge Ménard for Carole Freeman,  
and Massimo Pacetti for Hon. Larry Bagnell.



**IN ATTENDANCE:**

*Library of Parliament:*

Philip Rosen, Principal;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*John Howard Society of Canada:*

Graham Stewart, Executive Director.

*Canadian Association of Chiefs of Police:*

Pierre-Paul Pichette, Assistant Director, Service Chief, Corporate  
Operations;  
Clayton J.D. Pecknold, Deputy Chief, Central Saanich Police  
Service.

*Canadian Resource Centre for Victims of Crime:*

Krista Gray-Donald, Director of Research.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 17

Thursday, September 28, 2006

The Standing Committee on Justice and Human Rights met at 3:37 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Cheryl Gallant for Myron Thompson, Serge Ménard for Carole Freeman and Massimo Pacetti for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Philip Rosen, Principal; Dominique Valiquet, Analyst.

*Witnesses: John Howard Society of Canada:* Graham Stewart, Executive Director. *Canadian Association of Chiefs of Police:* Pierre-Paul Pichette, Assistant Director, Service Chief, Corporate Operations; Clayton J.D. Pecknold, Deputy Chief, Central Saanich Police Service. *Canadian Resource Centre for Victims of Crime:* Krista Gray-Donald, Director of Research.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The witnesses made statements and answered questions.

At 5:08 p.m., Réal Ménard took the Chair.

At 5:34 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/09/29 11:22 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 18**

**Monday, October 2, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman,  
and Mark Warawa for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Church Council on Justice and Corrections:*

Lorraine Berzins, Community Chair of Justice;  
Jane Griffiths, President, Board of Directors;  
Tiffani Murray, Restorative Justice Caseworker and Lawyer.

*As an Individual:*

David Paciocco, Professor, Ottawa University.

*Beyond Borders Inc.:*

Rosalind Prober, President.

*Mennonite Central Committee Canada:*

James Loewen, Coordinator, Restorative Justice.

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Diane Diotte  
Clerk of the Committee





[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 18

Monday, October 2, 2006

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman and Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Church Council on Justice and Corrections:* Lorraine Berzins, Community Chair of Justice; Jane Griffiths, President, Board of Directors; Tiffani Murray, Lawyer and Restorative Justice Practitioner. *As an individual:* David Paciocco, Professor, Ottawa University. *Beyond Borders Inc.:* Rosalind Prober, President. *Mennonite Central Committee Canada:* James Loewen, Coordinator, Restorative Justice.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The witnesses made statements and answered questions.

At 5:48 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/03 3:06 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 19**

**Wednesday, October 4, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Jean-Claude D'Amours for Hon. Sue Barnes,  
Marc Lemay for Carole Freeman,  
and Joy Smith for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Samy Agha, Procedural Clerk.

**WITNESSES:**

*As Individuals:*

Gary Mauser, Professor, Simon Fraser University.

*Canadian Bar Association:*

Adrian Brooks, Member at large, National Criminal Justice  
Section;  
Tamra L. Thomson, Director, Legislation and Law Reform.

*Canadian Centre for Abuse Awareness:*

John Muise, Director, Public Safety.

*As Individuals:*

Isabel Schurman, Sessional Lecturer, McGill University.

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Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 19

Wednesday, October 4, 2006

The Standing Committee on Justice and Human Rights met at 3:34 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Jean-Claude D'Amours for Hon. Sue Barnes, Marc Lemay for Carole Freeman and Joy Smith for Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

*Witnesses: As an individual:* Gary Mauser, Professor, Simon Fraser University. *Canadian Bar Association:* Adrian Brooks, Member at large, National Criminal Justice Section; Tamra L. Thomson, Director, Legislation and Law Reform. *Canadian Centre for Abuse Awareness:* John Muise, Director, Public Safety. *As an individual:* Isabel Schurman, Sessional Lecturer, McGill University.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The witnesses made statements and answered questions.

At 5:32 p.m., the sitting was suspended.

At 5:34 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Fourth Report from the Subcommittee on Agenda and Procedure.

It was agreed that the Clerk of the Committee be authorized to circulate to all members of the Committee a list of suggested technical documents that exist in only one official language and to ask members if they require a translation of the document.

It was agreed that the meeting of Monday, October 16th, 2006, concerning the study of Bill C-9, be extended by one hour to allow in-depth questioning of the five witnesses.

At 5:43 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte



Clerk of the Committee

2006/10/05 3:57 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 20**

**Monday, October 16, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Omar Alghabra for Brian Murphy,  
Marc Lemay for Carole Freeman,  
and Gary Merasty for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Samy Agha, Procedural Clerk.

**WITNESSES:**

*Probation Officers Association of Ontario:*

Catherine Hutchison, Past President;  
Donald Larman, President.

*Canadian Council of Criminal Defence Lawyers:*

Marvin Bloos, Honourary Chair;  
Andy Rady, Executive.

*Native Women's Association of Canada:*

Jolene L. Saulis, Team Lead, Policy and Research.

*As an Individual:*

Julian V. Roberts, Assistant Director, Reader in Criminal Justice,  
Centre for Criminology, Oxford University.

*Canadian Association of Elizabeth Fry Societies:*

Lucie Joncas, Vice-President, Board of Directors;  
Kim Pate, Executive Director.

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Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 20

Monday, October 16, 2006

The Standing Committee on Justice and Human Rights met, *in camera*, at 3:34 p.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Omar Alghabra for Brian Murphy, Marc Lemay for Carole Freeman and Gary Merasty for Hon. Larry Bagnell.

*In attendance:* *Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

*Witnesses:* *Probation Officers Association of Ontario:* Catherine Hutchison, Past President; Donald Larman, President. *Canadian Council of Criminal Defence Lawyers:* Marvin Bloos, Honourary Chair; Andy Rady, Executive. *Native Women's Association of Canada:* Jolene L. Saulis, Team Lead, Policy and Research. *As an individual:* Julian V. Roberts, Assistant Director, Reader in Criminal Justice, Centre for Criminology, Oxford University. *Canadian Association of Elizabeth Fry Societies:* Lucie Joncas, Vice-President, Board of Directors; Kim Pate, Executive Director.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee resumed consideration of the Fourth Report of the Subcommittee on Agenda and Procedure.

It was agreed that the clause by clause study of Bill C-9 take place on Monday, October 23, 2006.

It was agreed that the Committee instruct the Clerk to convene a meeting of the Subcommittee on Solicitation Laws for the purpose of electing a Chair.

It was agreed that the Committee meet three times every week when the House is in session, on Monday, Tuesday and Wednesday from 3:30 p.m. to 5:30 p.m.

It was agreed that the Committee undertake a study of two programs of the Main Estimates: Drug Courts and Legal Aid on the following dates: October 18, 2006 and October 31, 2006.

It was agreed that the Committee invite the Minister of Justice and other witnesses in relation to its study of Bill C-17 on Tuesday, October 24, 2006 and Wednesday, October 25, 2006.

It was agreed that the clause by clause study of Bill C-17 take place on Monday, October 30, 2006.

At 4:10 p.m., the sitting was suspended.

At 4:17 p.m., the Committee resumed sitting in public.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The witnesses made a statement and answered questions.

At 6:34 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/19 3:57 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 21**

**Tuesday, October 17, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Art Hanger,  
Derek Lee,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman,  
and Serge Ménard for Réal Ménard.

**ASSOCIATE MEMBERS PRESENT:**

Joe Preston.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Barreau du Québec:*

Giuseppe Battista, Member of the Committee on Criminal Law;  
Claire Moffet, Lawyer, Research and Legislation Service.

*Aboriginal Legal Services of Toronto:*

Jonathan Rudin, Program Director;  
Marisha Roman, Vice-President, Board of Directors.

*Assembly of First Nations:*

Richard Jock, Chief Executive Officer;  
Bob Watts, Chief of Staff, Office of the National Chief.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 21

Tuesday, October 17, 2006

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Art Hanger, Derek Lee, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman and Serge Ménard for Réal Ménard.

*Associate Members present:* Joe Preston.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Barreau du Québec:* Giuseppe Battista, Member of the Committee on Criminal Law; Claire Moffet, Lawyer, Research and Legislation Service. *Aboriginal Legal Services of Toronto:* Jonathan Rudin, Program Director; Marisha Roman, Vice-President, Board of Directors. *Assembly of First Nations:* Richard Jock, Chief Executive Officer; Bob Watts, Chief of Staff, Office of the National Chief.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The witnesses made statements and answered questions.

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/19 8:55 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 22**

**Wednesday, October 18, 2006**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2006-2007: Votes 1 et 5 under JUSTICE, referred to the Committee on Tuesday, April 25, 2006.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Samy Agha, Procedural Clerk.

**WITNESSES:**

*Department of Justice:*

Donald K. Piragoff, Acting Senior Assistant Deputy Minister;  
Barbara Merriam, Acting Director General;  
Catherine Latimer, General Counsel and Director General;  
Catherine Kane, Senior Counsel, Director, Policy Centre for  
Victim Issues.

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Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 22

Wednesday, October 18, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

*Witnesses: Department of Justice:* Donald K. Piragoff, Acting Senior Assistant Deputy Minister; Barbara Merriam, Acting Director General; Catherine Latimer, General Counsel and Director General; Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues.

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2006-2007: Votes 1 et 5 under JUSTICE, referred to the Committee on Tuesday, April 25, 2006.

The witnesses made statements and answered questions.

At 5:32 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/19 1:49 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 23**

**Monday, October 23, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Ed Fast for Myron Thompson,  
and Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Joann Garbig, Legislative Clerk;  
Samy Agha, Procedural Clerk.

**WITNESSES:**

*Department of Justice:*

Catherine Kane, Senior Counsel, Director, Policy Centre for  
Victim Issues.

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Diane Diotte  
Clerk of the Committee



Print Close

## MINUTES OF PROCEEDINGS

Meeting No. 23

Monday, October 23, 2006

The Standing Committee on Justice and Human Rights met at 3:39 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Ed Fast for Myron Thompson and Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Joann Garbig, Legislative Clerk; Samy Agha, Procedural Clerk.

*Witnesses: Department of Justice:* Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues.

Pursuant to the Order of Reference of Tuesday, June 6, 2006, the Committee resumed consideration of Bill C-9, An Act to amend the Criminal Code (conditional sentence of imprisonment).

The Committee commenced its clause-by-clause study of the Bill.

On Clause 1,

Sue Barnes moved, — That Bill C-9, in Clause 1, be amended by replacing lines 6 to 23 on page 1 with the following:

“**742.1** (1) If a person is convicted of an offence, other than an offence that is punishable by a minimum term of imprisonment, and the court imposes a sentence of imprisonment of less than two years and is satisfied that the service of the sentence in the community would not endanger the safety of the community and would be consistent with the fundamental purpose and principles of sentencing set out in sections 718 to 718.2, the court may, for the purpose of supervising the offender’s behaviour in the community, order that the offender serve the sentence in the community, subject to the offender’s compliance with the conditions imposed under section 742.3.

(2) Despite subsection (1), the court shall not order that an offender serve his or her sentence in the community if the offender has been convicted of any of the following offences, unless the court is satisfied that it is in the interests of justice to do so because of exceptional circumstances:

(a) a serious personal injury offence as defined in section 752;

(b) a terrorism offence;

(c) a criminal organization offence; and

(d) an offence in respect of which, on the basis of the nature and circumstances of the offence, the

expression of society's denunciation should take precedence over any other sentencing objectives.

(3) If the court orders the offender to serve his or her sentence in the community because of exceptional circumstances, the court shall include in the record a statement of those circumstances."

#### RULING BY THE CHAIR

Bill C-9 makes just one substantive change to section 742.1 of the Criminal Code. It provides that conditional sentences will not be available for offences prosecuted by indictment and punishable by a maximum term of imprisonment of 10 years or more.

The amendment proposes to replace this with an alternate scheme. The offences to which the amendment would apply are in some cases outside of what is covered by the Bill.

In addition, subsection (2) of the amendment allows for the exercise of discretion, which is not in keeping with the principle of Bill C-9.

Marleau & Montpetit states on page 654: "An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill."

I must therefore rule the amendment inadmissible, as it introduces an alternate scheme which goes against the principle and beyond the scope of the bill.

Sue Barnes moved, — That Bill C-9, in Clause 1, be amended by replacing lines 7 and 8 on page 1 with the following:

"other than a serious personal injury offence as defined in section 752, a terrorism offence or a criminal organization offence prosecuted by way of indictment for which the maximum term of "

After debate, the question was put on the amendment of Sue Barnes and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Sue Barnes, Joe Comartin, Derek Lee, Marc Lemay, Réal Ménard, Brian Murphy — 7; NAYS: Patrick Brown, Ed Fast, Rob Moore, Daniel Petit — 4.

Clause 1, as amended, carried.

On Clause 2,

Rob Moore moved, — That Bill C-9 be amended by adding after line 23 on page 1 the following new clause:

"2. This Act comes into force six months after the day on which it receives royal assent."

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-9, as amended, be reprinted for the use of the House at report stage.

At 5:01 p.m., the sitting was suspended.

At 5:08 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — 1 )That the Committee meet twice a week, on the schedule unanimously established by the Whips of all the parties, as soon as the study of Bill C-17 (Judges' salaries) is completed.

2 )That the Committee adopt the following rules as its operating procedure: the Committee Chair is not authorized to determine the number of meetings allocated to the study of each bill in advance; that while a bill is being studied, first the Subcommittee on agenda and procedure and then the Standing Committee determine the type of information needed for a rigorous and thorough study of the bill; that while a bill is being studied, first the Subcommittee on agenda and procedure and then the Standing Committee determine the number of witnesses needed for a rigorous and thorough study of the bill; that while a bill is being studied, first the Subcommittee on agenda and procedure and then the Standing Committee determine the number of sessions to study a bill.

3) That before studying Bill C-10, the Committee set aside two sessions to study the effects of the abolition of the Canadian Law Commission and one session to study the effects of the abolition of the Court Challenges Program on the development of minority rights.

Debate arose thereon.

It was agreed, — That consideration of part 3 of the motion be postponed.

The question was put on the amendment of Réal Ménard and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Sue Barnes, Joe Comartin, Derek Lee, Marc Lemay, Réal Ménard, Brian Murphy — 7; NAYS: Patrick Brown, Ed Fast, Rob Moore, Daniel Petit — 4.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/25 9:20 a.m.





HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 24**

**Tuesday, October 24, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee resumed consideration of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Hon. Irwin Cotler for Hon. Sue Barnes,  
Hon. Irwin Cotler for Brian Murphy,  
and Marc Lemay for Carole Freeman.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Nancy Holmes, Analyst.

**APPEARING:**

Hon. Vic Toews, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Judith Bellis, General Counsel, Courts and Tribunal Policy.

*Judicial Compensation and Benefits Commission:*

Roderick A. McLennan, Chairperson;  
Earl Cherniak, Commissioner;  
Gretta Chambers, Commissioner.

*Office of the Commissioner for Federal Judicial Affairs:*

David Gourdeau, Commissioner for Federal Judicial Affairs;  
Wayne Osborne, Director, Financial Services.

Roderick McLennan made a statement and, with Earl Cherniak and Gretta Chambers, answered questions.

David Gourdeau made a statement and, with Wayne Osborne, answered questions.

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Diane Diotte  
Clerk of the Committee



[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 24

Tuesday, October 24, 2006

The Standing Committee on Justice and Human Rights met in a televised session at 3:36 p.m. this day, in Room 253-D, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Hon. Irwin Cotler for Hon. Sue Barnes, Hon. Irwin Cotler for Brian Murphy and Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Nancy Holmes, Analyst.

*Appearing:* Hon. Vic Toews, Minister of Justice.

*Witnesses: Department of Justice:* Judith Bellis, General Counsel, Courts and Tribunal Policy. *Judicial Compensation and Benefits Commission:* Roderick A. McLennan, Chairperson; Earl Cherniak, Commissioner; Gretta Chambers, Commissioner. *Office of the Commissioner for Federal Judicial Affairs:* David Gourdeau, Commissioner for Federal Judicial Affairs; Wayne Osborne, Director, Financial Services.

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee commenced consideration of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

The Minister made a statement and, with Judith Bellis, answered questions.

Roderick McLennan made a statement and, with Earl Cherniak and Gretta Chambers, answered questions.

David Gourdeau made a statement and, with Wayne Osborne, answered questions.

At 5:20 p.m., the sitting was suspended.

At 5:22 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Fifth Report from the Subcommittee on Agenda and Procedure which read as follows:

Your Subcommittee met on Monday, October 23, 2006, to consider the business of the Committee and agreed to make the following recommendations:

1. It was agreed, that before studying Bill C-10, the Committee set aside two sessions to study the effects of the abolition of the Canadian Law Commission and the effects of the abolition of the Court

Challenges Program on the development of minority rights and that the sessions be held on Wednesday, November 1, 2006 and Monday, November 6, 2006.

2. It was agreed, that the Minister of Justice be invited to appear on Monday, November 6, 2006, for an hour, concerning the study of the effects of the abolition of the Canadian Law Commission.

3. It was agreed, that the Minister of Canadian Heritage be invited to appear on Monday, November 6, 2006, for an hour, concerning the study of the effects of the abolition of the Court Challenges Program on the development of minority rights.

4. It was agreed, that, as an exception to the schedule adopted by the Committee on Monday, October 23, 2006, the Minister of Justice be invited to appear on Tuesday, November 7, 2006, in relation to its study of Bill C-10.

It was agreed, — That the Fifth Report from the Subcommittee on Agenda and Procedure be concurred in.

It was agreed, — That, at the earliest opportunity, fifteen (15) minutes be added to a meeting in order to enable Marc Lemay and Irwin Cotler to ask questions to the Minister of Justice concerning the subject matter of Bill C-17.

It was agreed, — That, notwithstanding the motion adopted by the Committee on Monday, October 16, 2006, John Maloney be appointed as Chair of the Subcommittee on Solicitation Laws.

At 5:39 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/26 2:52 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 25**

**Wednesday, October 25, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee resumed consideration of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Dave Batters for Myron Thompson,  
Hon. Irwin Cotler for Hon. Sue Barnes,  
Richard Harris for Myron Thompson,  
Brian Jean for Patrick Brown,  
Hon. Dominic LeBlanc for Brian Murphy,  
Marc Lemay for Carole Freeman,  
and Mark Warawa for Art Hanger.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Nancy Holmes, Analyst.

*House of Commons:*

Samy Agha, Procedural Clerk.

**WITNESSES:**

*Canadian Bar Association:*

Robert W. Leurer, Member, Judicial Compensation and Benefits  
Committee;  
Tamra L. Thomson, Director, Legislation and Law Reform.

*As an Individual:*

Patrice Garant, Professor, Laval University.

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Diane Diotte  
Clerk of the Committee



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## MINUTES OF PROCEEDINGS

Meeting No. 25

Wednesday, October 25, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 371, West Block, the Vice-Chair, Derek Lee, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Dave Batters for Myron Thompson, Hon. Irwin Cotler for Hon. Sue Barnes, Richard Harris for Myron Thompson, Brian Jean for Patrick Brown, Hon. Dominic LeBlanc for Brian Murphy, Marc Lemay for Carole Freeman and Mark Warawa for Art Hanger.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Nancy Holmes, Analyst. *House of Commons:* Samy Agha, Procedural Clerk.

*Witnesses: Canadian Bar Association:* Robert W. Leurér, Member, Judicial Compensation and Benefits Committee; Tamra L. Thomson, Director, Legislation and Law Reform. *As an individual:* Patrice Garant, Professor, Laval University.

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee commenced consideration of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

The witnesses made statements and answered questions.

At 5:32 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/10/26 2:34 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 26**

**Monday, October 30, 2006**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee resumed consideration of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Paul Crête for Carole Freeman,  
Hon. Dominic LeBlanc for Brian Murphy,  
Marc Lemay for Carole Freeman,  
and Rick Norlock for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Nancy Holmes, Analyst.

**WITNESSES:**

*Department of Justice:*

Judith Bellis, General Counsel, Courts and Tribunal Policy;  
Karen Cuddy, Counsel, Judicial Affairs Unit.

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Diane Diotte  
Clerk of the Committee

Français [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 26

Monday, October 30, 2006

The Standing Committee on Justice and Human Rights met, *in camera*, at 3:35 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Paul Crête for Carole Freeman, Hon. Dominic LeBlanc for Brian Murphy, Marc Lemay for Carole Freeman and Rick Norlock for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Nancy Holmes, Analyst.

*Witnesses: Department of Justice:* Judith Bellis, General Counsel, Courts and Tribunal Policy; Karen Cuddy, Counsel, Judicial Affairs Unit.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the following groups/individuals be invited to appear in relation to the Study of the effects of the abolition of the Law Commission of Canada:

Nathalie Des Rosiers,

Yves Le Bouthillier, Law Commission of Canada,

The Canadian Bar Association,

Iain Benson, Centre for Cultural Renewal and

John Carpay, Canadian Constitution Foundation.

It was agreed, — That the following groups/individuals be invited to appear in relation to the Study of the effects of the abolition of the Court Challenges Program on the development of minority rights:

Guy Matte, Court Challenges Program,

Gilles Marchildon, Egale Canada,

Women's Legal Education and Action Fund,

John Williamson, Canadian Taxpayers Federation,

Rainer Knopf, University of Calgary and

Fédération des associations de juristes d'expression française de common law.



It was agreed, — That the proposed budget in the amount of \$6,800, for consideration of the study of Main Estimates 2006-2007, Vote 1 and Vote 5, Legal Aid and Drug Treatment Court Programs, be adopted.

It was agreed, — That the proposed budget in the amount of \$ 12,500, for consideration of the study of the effects of the abolition to the Law Commission of Canada and of the effects of the abolition of the Court Challenges Program on the development of minority rights, be adopted.

At 4:03 p.m., the sitting was suspended.

At 4:06 p.m., the sitting resumed.

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee resumed consideration of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

The Committee commenced its clause-by-clause study of the Bill.

It was agreed, — That the amendments standing in the name of Joe Comartin be decided upon as a group.

On Clause 1,

Réal Ménard moved, — That Bill C-17, in Clause 1, be amended by replacing line 4 on page 1 with the following:

“1. Section 2 of the *Judges Act* is amended by adding the following in alphabetical order:

“salary reference amount” means the total of the following

(a) the Prime Minister’s salary, as calculated in accordance with sections 4.1 and 4.2 of the *Salaries Act*; and

(b) the Prime Minister’s sessional allowance, as calculated in accordance with section 55 of the *Parliament of Canada Act*.

1.1 Sections 9 to 21 of the Act are”

Debate arose thereon.

#### RULING BY THE CHAIR

Bill C-17 deals in part with salaries of federally-appointed judges, and sets out dollar values for these salaries. This amendment, and others which are consequential to it, proposes a scheme to replace the dollar values with a formula based on the Prime Minister’s salary and sessional allowance.

The bill was referred to committee before second reading, which means that there is more latitude in the amending process. The requirement that amendments must fall within the scope of the bill does not apply to bills referred before second reading. However, other rules of admissibility continue to apply.

For example, amendments must be relevant to the subject-matter of the bill, and I find that the amendment before us is relevant.

The rule against offending the financial initiative of the Crown also continues to apply; and here I note that the bill is accompanied by a Royal Recommendation, which provides for the appropriation of public revenue “under the circumstances, in the manner and for the purposes” set out in the bill.

This means that in assessing admissibility I must consider not just whether the amendment would exceed the level of expenditure provided for in the bill. I must also consider whether the amendment changes the circumstances, the manner or the purposes under which public funds would be expended.

This is expressed in Marleau & Montpetit on page 655: “An amendment is therefore inadmissible if it imposes a charge on the Public Treasury, or if it exceeds the objects or purposes or relaxes the conditions and qualifications as expressed in the Royal Recommendation.”

I find that the amendment infringes on the terms and conditions of the Royal Recommendation and on that basis I must rule it inadmissible. This ruling applies to all the amendments in the series.

The Chair ruled that the following fifty-five (55) amendments were consequential to the previous amendment and therefore they were also inadmissible:

That Bill C-17, in Clause 1, be amended by replacing line 8 on page 1 with the following:

“(a) the Chief Justice of Canada, the salary reference amount less one dollar;”

That Bill C-17, in Clause 1, be amended by replacing line 10 on page 1 with the following:

“(b) each of the eight puisne judges, the salary reference amount less \$22,101.”

That Bill C-17, in Clause 1, be amended by replacing line 14 on page 1 with the following:

“Appeal, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 15 and 16 on page 1 with the following:

“(b) each of the other judges of the Federal Court of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing line 2 on page 2 with the following:

“the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 3 and 4 on page 2 with the following:

“(d) each of the other judges of the Federal Court, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 7 on page 2 with the following:

“(a) the Chief Justice, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 8 on page 2 with the following:

“(b) the Associate Chief Justice, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 10 on page 2 with the following:

“(c) each of the other judges, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing lines 15 and 16 on page 2 with the following:

“(a) each of the Chief Justice and the Associate Chief Justice of Ontario, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 17 on page 2 with the following:

“(b) each of the 14 Justices of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing lines 18 to 20 on page 2 with the following:

“(c) each of the Chief Justice and the Associate Chief Justice of the Superior Court of Justice, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 21 and 22 on page 2 with the following:

“(d) each of the 192 other judges of the Superior Court of Justice, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 26 on page 2 with the following:

“(a) the Chief Justice of Quebec, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 27 and 28 on page 2 with the following:

“(b) each of the 18 puisne judges of the Court of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing lines 29 to 31 on page 2 with the following:

“(c) each of the Chief Justice, the Senior Associate Chief Justice and the Associate Chief Justice of the Superior Court, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 32 and 33 on page 2 with the following:

“(d) each of the 140 puisne judges of the Superior Court, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 38 on page 2 with the following:

“the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 1 and 2 on page 3 with the following:

“each of the seven other judges of the Court of Appeal, the salary reference amount less \$66,201;”



That Bill C-17, in Clause 1, be amended by replacing lines 3 and 4 on page 3 with the following:

“(c) each of the Chief Justice and the Associate Chief Justice of the Supreme Court, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 6 and 7 on page 3 with the following:

“(d) each of the 23 other judges of the Supreme Court, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 13 on page 3 with the following:

“the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 14 and 15 on page 3 with the following:

“(b) each of the five other judges of the Court of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing line 17 on page 3 with the following:

“Bench, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 18 and 19 on page 3 with the following:

“(d) each of the 21 other judges of the Court of Queen's Bench, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 24 on page 3 with the following:

“(a) the Chief Justice of Manitoba, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 25 on page 3 with the following:

“(b) each of the six Judges of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing lines 26 to 29 on page 3 with the following:

“(c) each of the Chief Justice, the Senior Associate Chief Justice and the Associate Chief Justice of the Court of Queen's Bench, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 30 and 31 on page 3 with the following:

“(d) each of the 30 puisne judges of the Court of Queen's Bench, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 37 on page 3 with the following:

“the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 38 on page 3 with the following:

“(b) each of the 12 Justices of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing lines 39 and 40 on page 3 with the following:

“(c) each of the Chief Justice and the Associate Chief Justice of the Supreme Court, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 1 and 2 on page 4 with the following:

“(d) each of the 81 other judges of the Supreme Court, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 7 on page 4 with the following:

“Island, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 8 and 9 on page 4 with the following:

“(b) each of the two other judges of the Appeal Division, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing line 11 on page 4 with the following:

“the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 12 and 13 on page 4 with the following:

“(d) each of the three other judges of the Trial Division, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing lines 18 and 19 on page 4 with the following:

“(a) the Chief Justice of Saskatchewan, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 20 on page 4 with the following:

“(b) each of the six Judges of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing line 22 on page 4 with the following:

“Bench, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 23 and 24 on page 4 with the following:

“(d) each of the 29 other judges of the Court of Queen’s Bench, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 1, be amended by replacing line 28 on page 4 with the following:

“(a) the Chief Justice of Alberta, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing line 29 on page 4 with the following:



“(b) each of the 10 Justices of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing lines 30 to 32 on page 4 with the following:

“(c) each of the Chief Justice and the Associate Chief Justice of the Court of Queen’s Bench, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 33 and 34 on page 4 with the following:

“(d) each of the 55 other Justices of the Court of Queen’s Bench, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing line 2 on page 5 with the following:

“Labrador, the salary reference amount less \$43,901;”

That Bill C-17, in Clause 1, be amended by replacing lines 3 and 4 on page 5 with the following:

“(b) each of the five Judges of Appeal, the salary reference amount less \$66,201;”

That Bill C-17, in Clause 1, be amended by replacing line 6 on page 5 with the following:

“the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 1, be amended by replacing lines 7 and 8 on page 5 with the following:

“(d) each of the 18 other judges of the Trial Division, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 2, be amended by replacing line 13 on page 5 with the following:

“(a) the senior judge, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 2, be amended by replacing line 14 on page 5 with the following:

“(b) the other judge, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 2, be amended by replacing line 18 on page 5 with the following:

“(a) the senior judge, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 2, be amended by replacing line 19 on page 5 with the following:

“(b) each of the two other judges, the salary reference amount less \$66,201.”

That Bill C-17, in Clause 2, be amended by replacing line 22 on page 5 with the following:

“(a) the senior judge, the salary reference amount less \$43,901; and”

That Bill C-17, in Clause 2, be amended by replacing line 23 on page 5 with the following:

“(b) each of the two other judges, the salary reference amount less \$66,201.”

Joe Comartin moved, — That Bill C-17, in Clause 1, be amended by replacing line 8 on page 1 with the following:

“(a) the Chief Justice of Canada, \$308,400;”

Debate arose thereon.

#### RULING BY THE CHAIR

Bill C-17 deals in part with salaries of federally-appointed judges, and sets out dollar values for these salaries. This amendment is one of several which propose to increase those amounts.

I refer to Marleau & Montpetit on page 655: “An amendment is therefore inadmissible if it imposes a charge on the Public Treasury, or if it exceeds the objects or purposes or relaxes the conditions and qualifications as expressed in the Royal Recommendation.”

Since the Judges Act was adopted by Parliament, it is subject to parliamentary rule and practice. The Chair deals with questions of procedure, not constitutional matters.

It is clear that in proposing to increase the salary amounts provided for in the bill, the amendment is increasing the charge on the Public Treasury. Therefore I find that the amendment infringes on the financial initiative of the Crown and on that basis I must rule it inadmissible.

In accordance with the motion adopted earlier by the Committee, the following twenty-eight (28) amendments were also inadmissible:

That Bill C-17, in Clause 1, be amended by replacing line 10 on page 1 with the following:

“(b) the eight puisne judges, \$285,600 each.”

That Bill C-17, in Clause 1, be amended by replacing line 14 on page 1 with the following:

“Appeal, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 2 on page 2 with the following:

“\$263,000; and”

That Bill C-17, in Clause 1, be amended by replacing line 7 on page 2 with the following:

“(a) the Chief Justice, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 8 on page 2 with the following:

“(b) the Associate Chief Justice, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 16 on page 2 with the following:

“Justice of Ontario, \$263,000 each;”

That Bill C-17, in Clause 1, be amended by replacing line 20 on page 2 with the following:

“\$263,000 each; and”

That Bill C-17, in Clause 1, be amended by replacing line 26 on page 2 with the following:

“(a) the Chief Justice of Quebec, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 31 on page 2 with the following:

“of the Superior Court, \$263,000 each; and”

That Bill C-17, in Clause 1, be amended by replacing line 38 on page 2 with the following:

“\$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 4 on page 3 with the following:

“Justice of the Supreme Court, \$263,000 each;”

That Bill C-17, in Clause 1, be amended by replacing line 13 on page 3 with the following:

“\$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 17 on page 3 with the following:

“Bench, \$263,000; and”

That Bill C-17, in Clause 1, be amended by replacing line 24 on page 3 with the following:

“(a) the Chief Justice of Manitoba, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 28 on page 3 with the following:

“of the Court of Queen’s Bench, \$263,000”

That Bill C-17, in Clause 1, be amended by replacing line 37 on page 3 with the following:

“\$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 40 on page 3 with the following:

“Justice of the Supreme Court, \$263,000 each;”

That Bill C-17, in Clause 1, be amended by replacing line 7 on page 4 with the following:



“Island, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 11 on page 4 with the following:

“\$263,000; and”

That Bill C-17, in Clause 1, be amended by replacing line 19 on page 4 with the following:

“\$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 22 on page 4 with the following:

“Bench, \$263,000; and”

That Bill C-17, in Clause 1, be amended by replacing line 28 on page 4 with the following:

“(a) the Chief Justice of Alberta, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 32 on page 4 with the following:

“\$263,000 each; and”

That Bill C-17, in Clause 1, be amended by replacing line 2 on page 5 with the following:

“Labrador, \$263,000;”

That Bill C-17, in Clause 1, be amended by replacing line 6 on page 5 with the following:

“\$263,000; and”

That Bill C-17, in Clause 2, be amended by replacing line 13 on page 5 with the following:

“(a) the senior judge, \$263,000; and”

That Bill C-17, in Clause 2, be amended by replacing line 18 on page 5 with the following:

“(a) the senior judge, \$263,000; and”

That Bill C-17, in Clause 2, be amended by replacing line 22 on page 5 with the following:

“(a) the senior judge, \$263,000; and”

Whereupon, Joe Comartin appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Patrick Brown, Marc Lemay, Réal Ménard, Rob Moore, Rick Norlock, Daniel Petit — 6; NAYS: Larry Bagnell, Sue Barnes, Joe Comartin, Dominic LeBlanc, Derek Lee — 5.

Clause 1 carried on division.

Clause 2 carried on division.

Clauses 3 and 4 carried on division severally.

On new Clause 4.1,

Réal Ménard moved, — That Bill C-17 be amended by adding after line 23 on page 6 the following new clause:

“4.1 Section 26 of the Act is amended by adding the following after subsection (1.1):

(1.2) Any increase in salary that is recommended by the Commission shall be equal to or less than the average percentage increase in base-rate wages for the calendar year, resulting from major settlements negotiated with bargaining units of 500 or more employees in the private sector in Canada, as published by the Department of Human Resources and Skills Development within three months after the end of that calendar year.”

After debate, the question was put on the amendment of Réal Ménard and it was negatived on the following recorded division: YEAS: Marc Lemay, Réal Ménard — 2; NAYS: Larry Bagnell, Sue Barnes, Patrick Brown, Joe Comartin, Dominic LeBlanc, Derek Lee, Rob Moore, Rick Norlock, Daniel Petit — 9.

Clauses 5 to 8 inclusive carried on division severally.

On Clause 9,

Rob Moore moved, — That Bill C-17, in Clause 9, be amended by

(a) replacing lines 14 to 24 on page 9 with the following:

tories or the Nunavut Court of Justice who moves to a place of residence in one of the ten provinces or in another territory during the period of two years

(i) beginning two years before the judge’s date of eligibility to retire, or

(ii) if no removal allowance is paid in respect of a move made during the period described in subparagraph (i), beginning on the judge’s date of retirement or resignation from office;

(b) by replacing line 9 on page 10 with the following:

(ii) if no removal allowance is paid in respect of a move made during the period described in subparagraph (i), beginning on the judge’s date of retirement or resignation from office; and

(3) Section 40 of the Act is amended by

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

Clause 9, as amended, carried on division.



Clauses 10 to 14 inclusive carried on division severally.

On Clause 15,

Rob Moore moved, — That Bill C-17, in Clause 15, be amended by replacing lines 14 and 15 on page 12 with the following:

“annuity benefit” means an annuity or a return of contributions payable under section 51, and includes amounts payable to a judge under the *Supplementary Retirement Benefits Act*.

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

Rob Moore moved, — That Bill C-17, in Clause 15, be amended by

(a) replacing line 18 on page 15 with the following:

**52.14** (1) Subject to subsections (3) and (3.1),

(b) replacing lines 1 to 9 on page 16 with the following:

(b) in the case of a judge who had resigned or been removed from office by reason of an infirmity, the quotient obtained by dividing

(i) the period, measured to the nearest one tenth of a year, from the beginning of the period subject to division to the earlier of the end of the period of cohabitation and the judge’s expected date of retirement if the infirmity had not occurred, determined in accordance with the regulations,

by

(ii) the judge’s number of years of service up to the judge’s expected date of retirement if the infirmity had not occurred, determined in accordance with the regulations.

(3) Subject to subsections (3.1) and (4), where the

(c) replacing lines 28 to 37 on page 16 with the following:

(3.1) Subject to subsection (4), where the Minister approves the division of the annuity benefits of a judge who had been granted an annuity by reason of an infirmity but was not otherwise eligible to be granted an annuity at the end of the period subject to division, the spouse, former spouse or former common-law partner shall be accorded a share of the annuity benefits consisting of

(a) an amount equal to 50% of the contributions that would have been made during the period described by subparagraph (2)(b)(i) if the judge had continued in office, plus 50% of any interest payable on those contributions; or

(b) if the terms of the court order or agreement on which the application for division is based provide for the payment to the spouse, former spouse or former common-law partner of a share of annuity benefits that is less than the amount determined under paragraph (a), that lesser share.

(4) A judge's spouse, former spouse or former common-law partner who is entitled to be accorded a share of the judge's annuity benefits under subsection (3) or (3.1) may elect in the manner prescribed by the regulations, in lieu of receiving that share, to receive — at the time the judge becomes eligible to be granted an annuity, or at the time the judge would have become eligible to be granted an annuity had the judge not resigned or been removed from office by reason of an infirmity — a share of the annuity benefits for which the judge is or would have been eligible, determined as provided in subsection (1).

(d) replacing line 46 on page 16 with the following:

under subsection (3) or (3.1).

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

Rob Moore moved, — That Bill C-17, in Clause 15, be amended by

(a) replacing line 42 on page 20 with the following:

subsections 52.14(2) and (3.1);

(b) replacing lines 1 to 4 on page 21 with the following:

(*m*) prescribing the manner in which a judge's spouse, former spouse or former common-law partner may make an election under subsection 52.14(4), and respecting the notification of a judge of such an election;

(c) replacing lines 11 to 14 on page 21 with the following:

52.14(8), including the determination of the effective date of the adjustment;

(*p*) generally respecting the division of the annuity benefits of a judge who resigns or is removed from office by reason of an infirmity;

(d) replacing line 45 on page 21 with the following:

and provisions of sections 52.1 to 52.21 and this section.

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

Clause 15, as amended, carried on division.

Clauses 16 to 34 inclusive carried on division severally.

On Clause 35,

Rob Moore moved, — That Bill C-17, in Clause 35, be amended by replacing line 19 on page 27 with the following:

**35. (1)** Subsections 9(1) and (2) come

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

Clause 35, as amended, carried on division.

Clause 36 carried on division.

The Title carried on division.

The Bill, as amended, carried on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-17, as amended, be reprinted for the use of the House at report stage.

At 5:13 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/02 4:53 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 27**

**Tuesday, October 31, 2006**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2006-2007: Votes 1 et 5 under JUSTICE, referred to the Committee on Tuesday, April 25, 2006.

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2006-2007: Votes 1 et 5 under JUSTICE, referred to the Committee on Tuesday, April 25, 2006.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman,  
Rick Norlock for Myron Thompson,  
and Pierre A. Paquette for Carole Freeman.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Legal Aid Ontario:*

George Biggar, Vice-President, Policy, Planning and External  
Relations.

*Clinique juridique francophone de l'Est d'Ottawa:*

René Guitard, Director.

*Centre for Addiction and Mental Health:*

Richard Coleman, Coordinator, Toronto Drug Treatment Court.

*Department of Justice:*

Kevin Wilson, Senior Counsel, Federal Prosecution Service.

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Diane Diotte  
Clerk of the Committee



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## MINUTES OF PROCEEDINGS

Meeting No. 27

Tuesday, October 31, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Marc Lemay for Carole Freeman, Rick Norlock for Myron Thompson and Pierre A. Paquette for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Legal Aid Ontario:* George Biggar, Vice-President, Policy, Planning and External Relations. *Clinique juridique francophone de l'Est d'Ottawa:* René Guitard, Director. *Centre for Addiction and Mental Health:* Richard Coleman, Coordinator, Toronto Drug Treatment Court. *Department of Justice:* Kevin Wilson, Senior Counsel, Federal Prosecution Service.

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2006-2007: Votes 1 et 5 under JUSTICE, Legal Aid Program, referred to the Committee on Tuesday, April 25, 2006.

George Biggar and René Guitard each made a statement concerning the Legal Aid Program and answered questions.

At 4:33 p.m., the sitting was suspended.

At 4:35 p.m., the sitting resumed.

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2006-2007: Votes 1 et 5 under JUSTICE, Drug Treatment Courts, referred to the Committee on Tuesday, April 25, 2006.

Kevin Wilson and Richard Coleman each made a statement concerning Drug Treatment Courts and answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/02 10:47 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 28**

**Wednesday, November 1, 2006**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee commenced its study of the effects of the abolition of the Law Commission of Canada.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee commenced its study of the effects of the abolition of the Court Challenges Program on the development of minority rights.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Omar Alghabra for Hon. Sue Barnes,  
Raynald Blais for Carole Freeman,  
Yvon Godin for Joe Comartin,  
and Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*As an Individual:*

Nathalie Des Rosiers, Dean, Faculty of Law, Civil Law, Ottawa  
University.

*Law Commission of Canada:*

Yves Le Bouthillier, President.

*Canadian Constitution Foundation:*

John Carpay, Executive Directeur.

*Canadian Taxpayers Federation:*

John Williamson, Federal Director.

*Women's Legal Education and Action Fund:*

Chantal Tie, Member, National Legal Committee.

*Federation of Associations of French-speaking Jurists of Common Law :*

Rénald Rémillard, Executive Director;  
Christian Monnin, President.

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Diane Diotte  
Clerk of the Committee



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## MINUTES OF PROCEEDINGS

Meeting No. 28

Wednesday, November 1, 2006

The Standing Committee on Justice and Human Rights met at 3:36 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Omar Alghabra for Hon. Sue Barnes, Raynald Blais for Carole Freeman, Yvon Godin for Joe Comartin and Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: As an individual:* Nathalie Des Rosiers, Dean, Faculty of Law, Civil Law, Ottawa University.  
*Law Commission of Canada:* Yves Le Bouthillier, President. *Canadian Constitution Foundation:* John Carpay, Executive Directeur. *Canadian Taxpayers Federation:* John Williamson, Federal Director.  
*Women's Legal Education and Action Fund:* Chantal Tie, Member, National Legal Committee.  
*Federation of Associations of French-speaking Jurists of Common Law :* Rénaud Rémillard, Executive Director; Christian Monnin, President.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee commenced its study of the effects of the abolition of the Law Commission of Canada.

Nathalie Des Rosiers made a statement and answered questions.

Yves Le Bouthillier made a statement and answered questions.

John Carpay made a statement and answered questions.

At 4:45 p.m., the sitting was suspended.

At 4:47 p.m., the sitting resumed.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee commenced its study of the effects of the abolition of the Court Challenges Program on the development of minority rights.

John Williamson made a statement and answered questions.

John Carpay made a statement and answered questions.

Chantal Tie made a statement and answered questions.

Rénaud Rémillard made a statement and answered questions.



Christian Monnin made a statement and answered questions.

At 5:30 p.m., the sitting was suspended.

At 5:31 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — Whereas 2006 marks the 50th anniversary of the execution of Wilbert Coffin.

Whereas several observers, including former journalist and Senator Jacques Hébert, have shed light on irregularities surrounding the accusation, conviction and execution of Wilbert Coffin.

Whereas Wilbert Coffin's sister, Mary Coffin, and his son Jimmy Coffin are seeking an official judicial review under Part XXI.1 of the Criminal Code

That, pursuant to Standing Order 108(2), the Standing Committee on Justice and Human Rights recommend that the government act with diligence and speed in the matter of the late Wilbert Coffin and that the Committee report the adoption of this motion to the House as quickly as possible.

After debate, the question was put on the motion and it was agreed to.

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/10 1:20 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 29**

**Monday, November 6, 2006**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee commenced its study of the effects of the abolition of the Law Commission of Canada.

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee commenced consideration of the subject-matter of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee commenced its study of the effects of the abolition of the Law Commission of Canada and of the abolition of the Court Challenges Program on the development of minority rights.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Steven Blaney for Daniel Petit,  
Marc Lemay for Carole Freeman,  
and Hon. John McKay for Hon. Sue Barnes.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Vic Toews, Minister of Justice.

**WITNESSES:**

*Department of Justice:*  
John Sims, Deputy Minister and Deputy Attorney General.

*Canadian Bar Association:*  
Tamra L. Thomson, Director, Legislation and Law Reform;  
Melina Buckley, Representative.

*Court Challenges Program of Canada:*  
Ken Norman, Treasurer, Member of the Board of Directors;  
Noël A.J. Badiou, Executive Director.

*Centre for Cultural Renewal:*  
Iain Benson, Executive Director.

The Minister made a statement and, with John Sims, answered questions.

Tamara L. Thomson and Melina Buckley each made a statement and answered questions.

Ken Norman made a statement and, with Noël A.J. Badiou, answered questions.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 29

Monday, November 6, 2006

The Standing Committee on Justice and Human Rights met in a televised session at 3:31 p.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Myron Thompson.

*Acting Members present:* Steven Blaney for Daniel Petit, Marc Lemay for Carole Freeman and Hon. John McKay for Hon. Sue Barnes.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Vic Toews, Minister of Justice.

*Witnesses: Department of Justice:* John Sims, Deputy Minister and Deputy Attorney General. *Canadian Bar Association:* Tamra L. Thomson, Director, Legislation and Law Reform; Melina Buckley, Representative. *Court Challenges Program of Canada:* Ken Norman, Treasurer, Member of the Board of Directors; Noël A.J. Badiou, Executive Director. *Centre for Cultural Renewal:* Iain Benson, Executive Director.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee resumed its study of the effects of the abolition of the Law Commission of Canada.

The Minister made a statement and, with John Sims, answered questions.

Pursuant to the Order of Reference of Tuesday, June 20, 2006, the Committee commenced consideration of the subject-matter of Bill C-17, An Act to amend the Judges Act and certain other Acts in relation to courts.

The Minister of Justice answered questions.

At 4:48 p.m., the sitting was suspended.

At 4:55 p.m., the sitting resumed.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, October 24, 2006, the Committee resumed its study of the effects of the abolition of the Law Commission of Canada and of the abolition of the Court Challenges Program on the development of minority rights.

Tamara L. Thomson and Melina Buckley each made a statement and answered questions.

Ken Norman made a statement and, with Noël A.J. Badiou, answered questions.

Iain Benson made a statement and answered questions.



At 5:51 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/07 12:00 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 30**

**Tuesday, November 7, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Garry Breitkreuz for Daniel Petit,  
Hon. Wayne Easter for Hon. Sue Barnes,  
and Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Vic Toews, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Julie Besner, Counsel, Criminal Policy Section;

Donald K. Piragoff, Acting Senior Assistant Deputy Minister.

The Minister of Justice made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee

 Close

## MINUTES OF PROCEEDINGS

Meeting No. 30

Tuesday, November 7, 2006

The Standing Committee on Justice and Human Rights met at 3:33 p.m. this day, with video recording, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Myron Thompson.

*Acting Members present:* Garry Breitkreuz for Daniel Petit, Hon. Wayne Easter for Hon. Sue Barnes and Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Vic Toews, Minister of Justice.

*Witnesses: Department of Justice:* Julie Besner, Counsel, Criminal Policy Section; Donald K. Piragoff, Acting Senior Assistant Deputy Minister.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee commenced consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Minister of Justice made a statement and, with the other witnesses, answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/08 2:04 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 31**

**Wednesday, November 8, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Rick Dykstra for Daniel Petit,  
Mario Laframboise for Réal Ménard,  
Marc Lemay for Carole Freeman,  
Hon. John McCallum for Brian Murphy,



Hon. John McKay for Hon. Sue Barnes,  
and Hon. Shawn Murphy for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Correctional Service Canada:*

Ian McCowan, Assistant Commissioner, Policy and Research;  
Ross Toller, Assistant Commissioner, Correctional Operations and  
Program.

Ian McCowan made a statement and, with the other witness, answered questions.

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Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 31

Wednesday, November 8, 2006

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Myron Thompson.

*Acting Members present:* Rick Dykstra for Daniel Petit, Mario Laframboise for Réal Ménard, Marc Lemay for Carole Freeman, Hon. John McCallum for Brian Murphy, Hon. John McKay for Hon. Sue Barnes and Hon. Shawn Murphy for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Correctional Service Canada:* Ian McCowan, Assistant Commissioner, Policy and Research; Ross Toller, Assistant Commissioner, Correctional Operations and Program.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Ian McCowan made a statement and, with the other witness, answered questions.

At 5:05 p.m., the sitting was suspended.

At 5:09 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Sixth Report from the Subcommittee on Agenda and Procedure which read as follows:

Your Subcommittee met on Tuesday, November 7, 2006, to consider the business of the Committee and agreed to make the following recommendations:

1. That 40 groups/individuals be invited to appear in relation to the study of Bill C-10.
2. That the study of Bill C-10 take place in November and December 2006 (for a maximum of 6 meetings to hear witnesses) and that the clause by clause study of the bill take place at the end of the month of January 2007 (for a maximum of 2 meetings).
3. That the Committee travel to Toronto for one day on Thursday, November 23, 2006, in order to hear witnesses from the Toronto area in relation to Bill C-10.
4. That the Committee set aside a maximum of two sessions before the adjournment of December 2006

to study Bill C-252 and that the sponsor of the bill, Mr. Rick Casson, and the officials from the Department of Justice be invited as witnesses.

It was agreed, — That the Sixth Report from the Subcommittee on Agenda and Procedure be concurred in.

It was agreed, — That the proposed budget in the amount of \$ 53,800, for consideration of the study of Bill C-10 be adopted and that the Chair present the said budget to the Budget Subcommittee of the Liaison Committee.

It was agreed, — That the proposed budget in the amount of \$ 32, 308, for the Committee's travel to Toronto on November 23, 2006 be adopted and that the Chair present the said budget to the Budget Subcommittee of the Liaison Committee.

At 5:17 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/20 8:56 a.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 32**

**Monday, November 20, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Canadian Association of Elizabeth Fry Societies:*

Debra Parkes, Member, Board of Directors;  
Kim Pate, Executive Director.

*Royal Canadian Mounted Police:*

Michael Woods, Director General, National Criminal Operations,  
Community, Contract and Aboriginal Policing Services.

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Diane Diotte  
Clerk of the Committee



 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 32

Monday, November 20, 2006

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Canadian Association of Elizabeth Fry Societies:* Debra Parkes, Member, Board of Directors; Kim Pate, Executive Director. *Royal Canadian Mounted Police:* Michael Woods, Director General, National Criminal Operations, Community, Contract and Aboriginal Policing Services.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Kim Pate and Debra Parkes each made a statement and answered questions.

Michael Woods made a statement and answered questions.

At 5:21 p.m., the sitting was suspended.

At 5:25 p.m., the sitting resumed *in camera*.

It was agreed, — That the Hon. Michael Bryant, Attorney General of Ontario, be invited to appear before the Committee on November 23, 2006, in relation to Bill C-10.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/30 4:44 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 33**

Wednesday, November 22, 2006

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Mike Lake for Rob Moore,  
and Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Canadian Centre for Justice Statistics:*

Lynn Barr-Telford, Director, Statistics Canada;  
John Turner, Chief, Policing Services Program;  
Craig Grimes, Project Manager, Courts Program, Statistics  
Canada.

Lynn Barr-Telford made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee



Close

## MINUTES OF PROCEEDINGS

Meeting No. 33

Wednesday, November 22, 2006

The Standing Committee on Justice and Human Rights met at 3:49 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Mike Lake for Rob Moore and Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Canadian Centre for Justice Statistics:* Lynn Barr-Telford, Director, Statistics Canada; John Turner, Chief, Policing Services Program; Craig Grimes, Project Manager, Courts Program, Statistics Canada.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Lynn Barr-Telford made a statement and, with the other witnesses, answered questions.

At 5:43 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/30 4:43 p.m.





HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 34**

**Thursday, November 23, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst.

**WITNESSES:**

*Toronto Police Service:*

William Blair, Chief;  
Bob Clarke, Executive Officer.

*Ontario Ministry of the Attorney General:*

The Hon. Michael Bryant, Attorney General.

*As Individuals:*

Peter Rosenthal, Professor, Department of Mathematics,  
University of Toronto.

*Canadian Centre for Abuse Awareness:*

John Muise, Director, Public Safety.

*As Individuals:*

Margaret Beare, Former Director, Nathanson Centre for the Study  
of organized crime and corruption.

*Canadian Council of Criminal Defence Lawyers:*

William M. Trudell, Chair;  
Andy Rady, Ontario Representative on the Board.

*Women's Legal Education and Action Fund:*

Fiona Sampson, Director of litigation.

*Legal Aid Ontario:*

George Biggar, Vice-President, Policy, Planning and External  
Relations.

*Aboriginal Legal Services of Toronto:*

Jonathan Rudin, Program Director.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 34

Thursday, November 23, 2006

The Standing Committee on Justice and Human Rights met at 9:38 a.m. this day, in the Holiday Inn Select, Toronto International Airport, Toronto, Ontario, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: Toronto Police Service:* William Blair, Chief; Bob Clarke, Executive Officer. *Ontario Ministry of the Attorney General:* The Hon. Michael Bryant, Attorney General. *As an individual:* Peter Rosenthal, Professor, Department of Mathematics, University of Toronto. *Canadian Centre for Abuse Awareness:* John Muise, Director, Public Safety. *As an individual:* Margaret Beare, Former Director, Nathanson Centre for the Study of organized crime and corruption. *Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair; Andy Rady, Ontario Representative on the Board. *Women's Legal Education and Action Fund:* Fiona Sampson, Director of litigation. *Legal Aid Ontario:* George Biggar, Vice-President, Policy, Planning and External Relations. *Aboriginal Legal Services of Toronto:* Jonathan Rudin, Program Director.

Sue Barnes moved, — That, in consideration of the funding cancellation to the Court Challenges Program of Canada and the Law Commission of Canada, announced September 25, 2006, that the Standing Committee on Justice and Human Rights recommends that the government continue funding these two programs at the 2005-2006 level, and that the chair report the adoption of this motion to the House forthwith.

The question was put on the motion and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Sue Barnes, Joe Comartin, Derek Lee, Réal Ménard, Brian Murphy — 6; NAYS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

William Blair made a statement and answered questions.

Michael Bryant made a statement and answered questions.

Peter Rosenthal made a statement and answered questions.

John Muise made a statement and answered questions.

At 12:46 p.m., the sitting was suspended.

At 1:26 p.m., the sitting resumed.

Margaret Beare made a statement and answered questions.

William Trudell and Andy Rady each made a statement and answered questions.

At 3:22 p.m., the sitting was suspended.

At 3:29 p.m., the sitting resumed.

Fiona Sampson made a statement and answered questions.

George Biggar made a statement and answered questions.

Jonathan Rudin made a statement and answered questions.

At 4:44 p.m., Derek Lee took the Chair.

At 5:05 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/30 4:41 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 35**

**Monday, November 27, 2006**

---

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*As Individuals:*

Ian Lee, Professor, Carleton University.

*Canadian Police Association:*

Tony Cannavino, President;  
David Griffin, Executive Officer.

*As Individuals:*

Lee Stuesser, Professor of Law, Robson, Hall, University of  
Manitoba;  
Paul Chartrand, Professor, College of Law, University of  
Saskatchewan.

Tony Cannavino made a statement and, with David Griffin, answered questions.

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Diane Diotte  
Clerk of the Committee

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 35

Monday, November 27, 2006

The Standing Committee on Justice and Human Rights met at 3:34 p.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: As an individual:* Ian Lee, Professor, Carleton University. *Canadian Police Association:* Tony Cannavino, President; David Griffin, Executive Officer. *As individuals:* Lee Stuesser, Professor of Law, Robson, Hall, University of Manitoba; Paul Chartrand, Professor, College of Law, University of Saskatchewan.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Ian Lee made a statement and answered questions.

Tony Cannavino made a statement and, with David Griffin, answered questions.

Lee Stuesser made a statement and answered questions.

Paul Chartrand made a statement and answered questions.

At 5:34 p.m., the sitting was suspended.

At 5:35 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — Whereas the Minister of Justice has announced that he intends to change the appointment process for judges;

Whereas the independence of the judiciary is an essential requirement for the vitality of our democratic system;

Whereas the Chairperson of the Canadian Judicial Council, Beverley McLachlin, Chief Justice of the Supreme Court, has expressed reservations about the Minister's desire to make significant changes without any meaningful consultation;

That the Committee invite the Minister to appear before it to discuss this important matter as soon as possible.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 5; NAYS: 1.

Réal Ménard gave notice - Whereas various important witnesses have indicated to the Committee that there is a significant link between armed offences, street gangs and organized crime;

Whereas parliamentarians have an obligation to legislate on the basis of meaningful and conclusive information;

It is proposed that the Standing Committee on Justice and Human Rights not begin the clause by clause review of Bill C-10 until it has devoted two more meetings to the issue of street gangs, and two more meetings to examine the overall effect on gangsterism of Bills C-95 and C-24, adopted in 1997 and 2001;

It is also proposed with respect to gangsterism that the research assistants produce a summary of the case law and provide Committee members with a file comprising the court judgments in full.

At 5:39 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/28 2:12 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 36**

**Wednesday, November 29, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Bonnie Brown for Brian Murphy,  
Patricia Davidson for Art Hanger,  
Daryl Kramp for Myron Thompson,  
and Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**



*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Canadian Civil Liberties Association:*

A. Alan Borovoy, General Counsel;  
Alexi Nicole Wood, Director, Program Safety Project.

*John Howard Society of Canada:*

Graham Stewart, Executive Director.

*Church Council on Justice and Corrections:*

Laurent Champagne, President.

Alan Borovoy made a statement and, with Alexi Nicole Wood, answered questions.

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Diane Diotte  
Clerk of the Committee

Français[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 36

Wednesday, November 29, 2006

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Bonnie Brown for Brian Murphy, Patricia Davidson for Art Hanger, Daryl Kramp for Myron Thompson and Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Canadian Civil Liberties Association:* A. Alan Borovoy, General Counsel; Alexi Nicole Wood, Director, Program Safety Project. *John Howard Society of Canada:* Graham Stewart, Executive Director. *Church Council on Justice and Corrections:* Laurent Champagne, President.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Alan Borovoy made a statement and, with Alexi Nicole Wood, answered questions.

Graham Stewart made a statement and answered questions.

Laurent Champagne made a statement and answered questions.

At 4:17 p.m, Derek Lee took the Chair.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/11/30 1:57 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 37**

**Monday, December 4, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Wajid Khan for Derek Lee,  
Marc Lemay for Carole Freeman,

Brian Masse for Joe Comartin,  
Todd Norman Russell for Brian Murphy,  
and Scott Simms for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*

Dominique Valiquet, Analyst;  
Robin MacKay, Analyst.

**WITNESSES:**

*Association québécoise des avocats et avocates de la défense:*

Lucie Joncas, President.

*As an Individual:*

Jean-Paul Brodeur, Professor, Criminology, Director, International  
Centre of Comparative Criminology, University of Montreal.

*Canadian Bar Association:*

Tamra L. Thomson, Director, Legislation and Law Reform;  
Joshua Weinstein, Secretary, National Criminal Justice Section.

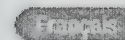
*Mennonite Central Committee Canada:*

Sandra Elgersma, Domestic Policy Analyst;  
Eileen Henderson, Restorative Justice Coordinator, Mennonite  
Central Committee Ontario.

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Diane Diotte  
Clerk of the Committee



[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 37

Monday, December 4, 2006

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Wajid Khan for Derek Lee, Marc Lemay for Carole Freeman, Brian Masse for Joe Comartin, Todd Norman Russell for Brian Murphy and Scott Simms for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Dominique Valiquet, Analyst; Robin MacKay, Analyst.

*Witnesses: Association québécoise des avocats et avocates de la défense:* Lucie Joncas, President. *As an individual:* Jean-Paul Brodeur, Professor, Criminology, Director, International Centre of Comparative Criminology, University of Montreal. *Canadian Bar Association:* Tamra L. Thomson, Director, Legislation and Law Reform; Joshua Weinstein, Secretary, National Criminal Justice Section. *Mennonite Central Committee Canada:* Sandra Elgersma, Domestic Policy Analyst; Eileen Henderson, Restorative Justice Coordinator, Mennonite Central Committee Ontario.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Lucie Joncas made a statement and answered questions.

Jean-Paul Brodeur made a statement and answered questions.

Tamra Thomson and Joshua Weinstein each made a statement and answered questions.

Sandra Elgersma and Eileen Henderson each made a statement and answered questions.

At 5:21 p.m., the sitting was suspended.

At 5:24 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — Whereas various important witnesses have indicated to the Committee that there is a significant link between armed offences, street gangs and organized crime;

Whereas parliamentarians have an obligation to legislate on the basis of meaningful and conclusive information;

That the Standing Committee on Justice and Human Rights not begin the clause by clause review of Bill

C-10 until it has devoted one more meeting to the issue of street gangs, and one more meeting to examine the overall effect on gangsterism of Bills C-95 and C-24, adopted in 1997 and 2001;

With respect to gangsterism that the research assistants produce a summary of the case law and provide Committee members with a file comprising the court judgments in full.

It was agreed, — That the Committee do now adjourn.

At 5:45 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/12/07 9:14 a.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 38**

**Wednesday, December 6, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Mario Laframboise for Réal Ménard,  
Marc Lemay for Carole Freeman,  
Hon. John McKay for Hon. Sue Barnes,  
and Gary Merasty for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*As an Individual:*

Anthony N. Doob, Professor, Centre for Criminology, University  
of Toronto.

*African Canadian Legal Clinic:*

Royland Moriah, Policy Research Lawyer;  
Charlene Theodore, Representative.

*Canadian Criminal Justice Association:*

Irving Kulik, Executive Director.

*The Sentencing Project:*

Ryan S. King, Policy Analyst.

Royland Moriah made a statement and, with Charlene Theodore, answered questions.

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Diane Diotte  
Clerk of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 38

Wednesday, December 6, 2006

The Standing Committee on Justice and Human Rights met at 3:40 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Mario Laframboise for Réal Ménard, Marc Lemay for Carole Freeman, Hon. John McKay for Hon. Sue Barnes and Gary Merasty for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: As an individual:* Anthony N. Doob, Professor, Centre for Criminology, University of Toronto. *African Canadian Legal Clinic:* Royland Moriah, Policy Research Lawyer; Charlene Theodore, Representative. *Canadian Criminal Justice Association:* Irving Kulik, Executive Director. *The Sentencing Project:* Ryan S. King, Policy Analyst.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

Anthony N. Doob made a statement and answered questions.

Royland Moriah made a statement and, with Charlene Theodore, answered questions.

Irving Kulik made a statement and answered questions.

Ryan S. King made a statement and answered questions.

At 6:04 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/12/07 9:41 a.m.





HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 39**

**Monday, December 11, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 17, 2006, the Committee commenced consideration of Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Gary Merasty for Brian Murphy,  
Rob Merrifield for Myron Thompson,  
Christian Ouellet for Carole Freeman,  
and Lui Temelkovski for Hon. Sue Barnes.

**ASSOCIATE MEMBERS PRESENT:**

John Maloney.

**OTHER MEMBERS PRESENT:**

Paul Szabo.

**IN ATTENDANCE:**

*Library of Parliament:*

Dominique Valiquet, Analyst;  
Robin MacKay, Analyst;  
Lyne Casavant, Analyst.

**WITNESSES:**

*House of Commons:*

Rick Casson, Lethbridge.

*Department of Justice:*

Claire Farid, Counsel, Family Law Policy;  
Lise Lafrenière-Henrie, Senior Counsel, Family Law Policy.

Claire Farid made a statement and, with Lise Lafrenière-Henrie, answered questions.

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Diane Diotte  
Clerk of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 39

Monday, December 11, 2006

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Gary Merasty for Brian Murphy, Rob Merrifield for Myron Thompson, Christian Ouellet for Carole Freeman and Lui Temelkovski for Hon. Sue Barnes.

*Associate Members present:* John Maloney.

*Other Members present:* Paul Szabo.

*In attendance: Library of Parliament:* Dominique Valiquet, Analyst; Robin MacKay, Analyst; Lyne Casavant, Analyst.

*Witnesses: House of Commons:* Rick Casson, Lethbridge. *Department of Justice:* Claire Farid, Counsel, Family Law Policy; Lise Lafrenière-Henrie, Senior Counsel, Family Law Policy.

Pursuant to the Order of Reference of Tuesday, October 17, 2006, the Committee commenced consideration of Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).

Rick Casson made a statement and answered questions.

Claire Farid made a statement and, with Lise Lafrenière-Henrie, answered questions.

At 5:12 p.m., the sitting was suspended.

At 5:22 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee commenced consideration of the report of the Subcommittee on Solicitation Laws.

It was agreed, — That the Chair convene a committee meeting at 9:00 a.m. on Tuesday, December 12, 2006, to resume consideration of the report of the Subcommittee on Solicitations Laws.

At 5:45 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/12/12 11:59 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 40**

**Tuesday, December 12, 2006**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Christian Ouellet for Carole Freeman.

**ASSOCIATE MEMBERS PRESENT:**

John Maloney.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Lyne Casavant, Analyst.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 40

Tuesday, December 12, 2006

The Standing Committee on Justice and Human Rights met *in camera* at 9:05 a.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Christian Ouellet for Carole Freeman.

*Associate Members present:* John Maloney.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Lyne Casavant, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee resumed consideration of the First Report of the Subcommittee on Solicitation Laws.

It was agreed, — That the report of the Subcommittee on Solicitation Laws (version distributed to members on December 8, 2006) be adopted as the report of the Committee.

It was agreed, — That in accordance with Standing Order 109, the Committee requests that the Government table a comprehensive response to the report.

It was agreed, — That the Chair, Clerk and analysts be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Chair present this report to the House.

It was agreed, — That the Clerk of the Committee make the necessary arrangements for a press conference to be held on Wednesday, December 13, 2006, after the tabling of the Committee's report to the House.

At 10:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/12/12 11:30 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 41**

**Wednesday, December 13, 2006**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 17, 2006, the Committee commenced consideration of Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Hon. Sue Barnes,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

Claire Farid, Counsel, Family Law Policy;

Lise Lafrenière-Henrie, Senior Counsel, Family Law Policy.

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Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 41

Wednesday, December 13, 2006

The Standing Committee on Justice and Human Rights met at 3:38 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Hon. Sue Barnes, Patrick Brown, Joe Comartin, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* Claire Farid, Counsel, Family Law Policy; Lise Lafrenière-Henrie, Senior Counsel, Family Law Policy.

Pursuant to the Order of Reference of Tuesday, October 17, 2006, the Committee resumed consideration of Bill C-252, An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).

The Committee commenced its clause-by-clause study of the Bill.

On Clause 1,

Rob Moore moved, — That Bill C-252, in Clause 1, be amended by replacing lines 11 to 13 on page 1 with the following:

“the court shall make a variation order in respect of access that is in the best interests of the child.”

The witnesses answered questions.

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 1, as amended, carried on division.

The Title carried.

The Bill, as amended, carried on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-252, as amended, be reprinted for the use of the House at report stage.

At 4:00 p.m., the sitting was suspended.

At 4:01 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Seventh Report from the Subcommittee on Agenda and Procedure which read as follows:

Your subcommittee met on Monday, December 11, 2006, to consider the business of the committee and agreed to make the following recommendations:

That the Committee meet on Tuesday and Thursday morning, from 9:00 a.m. to 11:00 a.m. from the month of January to the month of June 2007, as per the rotational committee schedule adopted by the whips of the parties.

That the minister of Justice be invited to appear before the Committee in relation to the appointment process for judges on Tuesday, February 13, 2007.

That 5 groups/individuals be invited to appear in relation to the study of gangsterism and 5 groups/individuals also be invited to appear in relation to the study of the overall effect on gangsterism of Bills C-95 and Bill C-24, and that the two meetings take place on January 30 and February 1, 2007. See attached list.

That the clause by clause review of Bill C-10 take place on February 6 and 8, 2007.

That, with respect to gangsterism, the analysts of the Committee produce a summary of the case law and provide Committee members with a file comprising the Lindsay, 2005, court judgment in full.

That the Committee meet on Monday, February 5, 2007, from 11:00 a.m. to 1:00 p.m. and from 3:30 to 5:30 p.m. in order to dispose of Bill C-277 and to commence the study of Bill C-299.

That the Committee consider Bill C-18 after the study of Bill C-10.

At 4:20 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2006/12/14 4:10 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 42**

**Tuesday, January 30, 2007**



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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ASSOCIATE MEMBERS PRESENT:**

Dean Del Mastro.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Department of Justice (Quebec):*

Randall Richmond, Deputy Chief Prosecutor, Organized Crime  
Prosecutions Bureau.

*Correctional Service Canada:*

Ross Toller, Assistant Commissioner, Correctional Operations and  
Program;  
Luciano Bentenuto, Senior Project Manager, Preventive Security  
and Intelligence.

*Maison d'Haïti:*

Harry Delva, Coordinator.

*As an Individual:*

Claude Bélanger, Former Principal General Counsel, Department  
of Justice.

*Sûreté du Québec:*

Guy Ouellette, Retired Sergeant.

Ross Toller made a statement and, with Luciano Bentenuto, answered questions.

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Diane Diotte  
Clerk of the Committee



[Français](#) [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 42

Thursday, June 2, 2005

The Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met at 9:24 a.m. this day, in Room 371 West Block, the Chair, John Maloney, presiding.

*Members of the Committee present:* Garry Breitkreuz, Joe Comartin, Hon. Roy Cullen, Hon. Paul Harold Macklin, John Maloney, Richard Marceau, Anita Neville, Hon. Judy Sgro, Myron Thompson, Vic Toews and Mark Warawa.

*Acting Members present:* Benoît Sauvageau for Serge Ménard.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Philip Rosen, Principal. *House of Commons:* Susan Baldwin, Legislative Clerk.

*Witnesses: Department of Justice:* Carole Morency, Senior Counsel, Criminal Law Policy Section; Lisette Lafontaine, Senior Counsel, Criminal Law Policy Section; Catherine Kane, Senior Counsel, Director, Policy Centre for Victim Issues.

Pursuant to the Order of Reference of Monday, October 18, 2004, the Committee resumed consideration of Bill C-2, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

The witnesses answered questions.

Clause 1 carried.

On Clause 2,

Vic Toews moved, — That Bill C-2, in Clause 2, be amended by replacing line 16 on page 2 with the following:

“2. (1) Subsection 150.1(1) of the Act is replaced by the following:

150.1 (1) Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of sixteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge.

(1.1) Paragraph 150.1(2)(c) of the Act is”

After debate, the question was put on the amendment of Vic Toews and it was negatived, by a show of

hands: YEAS: 5; NAYS: 6.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following three (3) amendments which are therefore also negated:

That Bill C-2, in Clause 2, be amended by adding after line 23 on page 2 the following:

“(1.1) Section 150.1 of the Act is amended by adding the following after subsection (2):

(2.1) Notwithstanding subsection (1), where an accused is charged with an offence under section 151 or 152, subsection 173(2) or section 271 in respect of a complainant who is fourteen years of age or more but under the age of sixteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge unless the accused

(a) is less than five years older than the complainant; and

(b) is neither in a position of trust or authority towards the complainant nor is a person with whom the complainant is in a relationship of dependency.”

That Bill C-2, in Clause 2, be amended

(a) by replacing line 24 on page 2 with the following:

“(2) Subsections 150.1(3) and (4) of the Act are”

(b) by adding after line 33 on page 2 the following:

“(4) It is not a defence to a charge under section 151 or 152, subsection 160(3) or 173(2), or section 271, 272 or 273 that the accused believed that the complainant was sixteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.”

That Bill C-2, in Clause 2, be amended by replacing line 26 on page 2 with the following:

“(3) No person aged twelve to fifteen years”

Clause 2 carried on division.

On Clause 3,

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negated:

That Bill C-2, in Clause 3, be amended by replacing line 39 on page 2 with the following:

“person under the age of sixteen years”

Richard Marceau moved, — That Bill C-2, in Clause 3, be amended by

(a) replacing line 42 on page 2 to line 4 on page 3 with the following:

exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(b) replacing lines 15 to 19 on page 3 with the following:

exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negated:

That Bill C-2, in Clause 3, be amended

(a) by replacing line 7 on page 3 with the following:

“age of sixteen years to touch, directly or”

(b) by replacing line 12 on page 3 with the following:

“of sixteen years,”

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negated:

That Bill C-2, in Clause 3, be amended by replacing line 19 on page 3 with the following:

“months and to a minimum punishment of imprisonment for a term of ninety days.”

Clause 3, as amended, carried on division.

On Clause 4,

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negated:

That Bill C-2, in Clause 4, be amended

(a) by replacing lines 39 and 40 on page 3 with the following:

“(2) Subsection 153(2) of the Act is replaced by the following:”



(b) by adding after line 17 on page 4 the following:

“(2) In this section, “young person” means a person sixteen years of age or more but under the age of eighteen years.”

Richard Marceau moved, — That Bill C-2, in Clause 4, be amended by replacing lines 3 to 7 on page 4 with the following:

exceeding ten years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

Clause 4, as amended, carried on division.

On Clause 5,

By unanimous consent, it was agreed, — That the result of the vote on a previous amendment be applied to the following amendment which is therefore also negatived:

That Bill C-2, in Clause 5, be amended by replacing lines 18 to 33 on page 4 with the following:

“5. (1) Subsection 161(1) of the Act is replaced by the following:

161. (1) When an offender is convicted, or is discharged on the conditions prescribed in a probation order under section 730, of an offence referred to in subsection (1.1) in respect of a person who is under the age of sixteen years, the court that sentences the offender or directs that the accused be discharged, as the case may be, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, shall consider making and may make, subject to the conditions or exemptions that the court directs, an order prohibiting the offender from

(a) attending a public park or public swimming area where persons under the age of sixteen years are present or can reasonably be expected to be present, or a daycare centre, schoolground, playground or community centre;

(b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity, that involves being in a position of trust or authority towards persons under the age of sixteen years; or

(c) using a computer system within the meaning of subsection 342.1(2) for the purpose of communicating with a person under the age of sixteen years.”

Clause 5 carried.

On Clause 6,

Joe Comartin moved, — That Bill C-2, in Clause 6, be amended by replacing lines 27 and 28 on page 6 with the following:

“good, are in the public interest or are committed in the process of journalistic investigation for the purpose of preparing, publishing or distributing public news.”

After debate, the question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 1; NAYS: 9.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following amendment which is therefore also negatived:

That Bill C-2, in Clause 6, be amended by replacing lines 29 to 37 on page 6 with the following:

“(7) For the purposes of subsection (6), it is a question of law whether an act serves the public good and whether there is evidence that the act alleged goes beyond what serves the public good, but it is a question of fact whether the act does or does not extend beyond what serves the public good.”

Clause 6 carried.

On Clause 7,

Richard Marceau moved, — That Bill C-2, in Clause 7, be amended

(a) by replacing lines 17 to 21 on page 7 with the following:

(2) Paragraphs 163.1(2)(a) and (b) of the Act are replaced by the following:

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of ninety days.

(b) replacing line 32 on page 7 to line 5 on page 8 with the following:

years and to a minimum punishment of imprisonment for a term of one year; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of ninety days.

(4) Paragraphs 163.1(4)(a) and (b) of the Act are replaced by the following:

(a) an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

(5) Paragraphs 163.1(4.1)(a) and (b) of the Act are replaced by the following:



(a) an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of forty-five days; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months and to a minimum punishment of imprisonment for a term of fourteen days.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

Myron Thompson moved, — That Bill C-2, in Clause 7, be amended by replacing line 20 on page 8 with the following:

“medicine or education; and”

After debate, the question was put on the amendment of Myron Thompson and it was negatived, by a show of hands: YEAS: 4; NAYS: 5.

Clause 7, as amended, carried.

Clause 8 carried.

Clause 9 carried.

On Clause 9.1,

Richard Marceau moved, — That Bill C-2 be amended by adding after line 14 on page 11 the following:

9.1 Sections 170 and 171 of the Act are replaced by the following:

170. Every parent or guardian of a person under the age of eighteen years who procures the person for the purpose of engaging in any sexual activity prohibited by this Act with a person other than the parent or guardian is guilty of an indictable offence and liable

(a) to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months if the person procured is under the age of fourteen years; or

(b) to imprisonment for a term not exceeding two years and to a minimum punishment of imprisonment for a term of forty-five days if the person procured is fourteen years of age or more but under the age of eighteen years.

171. Every owner, occupier or manager of premises, or any other person who has control of premises or assists in the management or control of premises, who knowingly permits a person under the age of eighteen years to resort to or to be in or on the premises for the purpose of engaging in any sexual activity prohibited by this Act is guilty of an indictable offence and liable

(a) to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months if the person in question is under the age of fourteen years; or

(b) to imprisonment for a term not exceeding two years and to a minimum punishment of imprisonment for a term of forty-five days if the person is fourteen years of age or more but under the age of eighteen

years.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Clause 9.1, as amended, carried.

Clause 10 carried.

On Clause 10.1,

Richard Marceau moved, — That Bill C-2 be amended by adding after line 19 on page 11 the following:

10.1 (1) Subsection 212(2) of the Act is replaced by the following:

(2) Despite paragraph (1)(j), every person who lives wholly or in part on the avails of prostitution of another person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of two years.

(2) Subsection 212(4) of the Act is replaced by the following:

(4) Every person who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years and to a minimum punishment of imprisonment for a term of six months.

After debate, the question was put on the amendment of Richard Marceau and it was agreed to on division.

Clause 10.1, as amended, carried on division.

Clause 11 carried.

Clause 12 carried.

Clause 13 carried.

Clause 14 carried.

On Clause 15,

Richard Marceau moved, — That Bill C-2, in Clause 15, be amended by

(a) replacing line 30 on page 13 with the following:

accused, the judge or justice shall,

(b) replacing, in the English version, line 41 on page 13 with the following:

the judge or justice may, on applica-

(c) adding after line 5 on page 14 the following:

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(d) replacing line 27 on page 14 with the following:

ceedings against an accused, the judge

(e) replacing, in the English version, line 40 on page 14 with the following:

against an accused, the judge or

(f) adding after line 3 on page 15 the following:

(2.1) An application referred to in subsection (1) or (2) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(g) replacing line 16 on page 16 with the following:

the witness, unless the judge or justice

(h) replacing, in the English version, line 26 on page 16 with the following:

witness if the judge or justice is of the

(i) replacing line 42 on page 16 with the following:

victim unless the judge or justice is of

(j) adding after line 48 on page 16 the following:

(4.1) An application referred to in subsection (1), (2) or (4) may be made, during the proceedings, to the presiding judge or justice or, before the proceedings begin, to the judge or justice who will preside at the proceedings.

(k) replacing lines 24 to 26 on page 18 with the following:

486.5 (1) Unless an order is made under section 486.4, on application of

After debate, the question was put on the amendment of Richard Marceau and it was agreed to.

Clause 15, as amended, carried.

Clauses 16 to 25 inclusive carried severally.

On Clause 26,



Joe Comartin moved, — That Bill C-2, in Clause 26, be amended by replacing line 13 on page 24 with the following:

“twelve years of age or older whose mental”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 26 carried.

On Clause 27,

Joe Comartin moved, — That Bill C-2, in Clause 27, be amended

(a) by replacing line 19 on page 24 with the following:

“16.1 (1) A person under twelve years of”

(b) by replacing, in the English version, lines 23 to 41 on page 24 and lines 1 to 12 on page 25 with the following:

“witness under twelve years of age shall not be required to take an oath or make a solemn affirmation.

(3) The evidence of a proposed witness under twelve years of age shall be received if they are able to understand and respond to questions.

(4) A party who challenges the capacity of a proposed witness under twelve years of age has the burden of satisfying the court that there is an issue as to the capacity of the proposed witness to understand and respond to questions.

(5) If the court is satisfied that there is an issue as to the capacity of a proposed witness under twelve years of age to understand and respond to questions, it shall, before permitting them to give evidence, conduct an inquiry to determine whether they are able to understand and respond to questions.

(6) The court shall, before permitting a proposed witness under twelve years of age to give evidence, require them to promise to tell the truth.

(7) No proposed witness under twelve years of age shall be asked any questions regarding their understanding of the nature of the promise for the purpose of determining whether their evidence shall be received by the court.

(8) For greater certainty, if the evidence of a witness under twelve years of age is received”

By unanimous consent, the amendment was withdrawn.

Joe Comartin moved, — That Bill C-2, in Clause 27, be amended

(a) by replacing, in the English version, lines 21 to 25 on page 24 with the following:

“(2) A proposed witness under fourteen years of age shall not take an oath or make a solemn affirmation despite a provision of any Act that requires an oath or a solemn affirmation.”

(b) by replacing line 8 on page 25 with the following:

“the promise to tell the truth for the purpose of determining”

After debate, the question was put on the amendment of Joe Comartin and it was agreed to.

Clause 27, as amended, carried.

On Clause 27.1,

Paul Harold Macklin moved, — That Bill C-2 be amended by adding after line 14 on page 25 the following new clause:

“ 27.1 (1) Five years after this section comes into force, a committee of the Senate, of the House of Commons or of both Houses of Parliament that is designated or established for the purpose shall undertake a comprehensive review of this Act and its operation.

(2) The committee shall submit a report on the review to Parliament, including a statement of any changes that it recommends, within six months after it undertakes the review or within any further time authorized by the Senate, the House of Commons or both Houses of Parliament, as the case may be.”

After debate, the question was put on the amendment of Paul Harold Macklin and it was agreed to.

Clause 27.1, as amended, carried.

Clause 28 carried.

Clause 29 carried.

The Preamble carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-2, as amended, be reprinted for the use of the House at report stage.

At 11:21 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2005/06/07 11:21 a.m.



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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 43**

**Thursday, February 1, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Garry Breitkreuz for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Royal Canadian Mounted Police:*

Pierre-Yves Bourduas, Deputy Commissioner, Federal Services  
and Central Region;  
Michel Aubin, Director, Organized Crime Branch.

*Vancouver Police Department:*

Jamie Graham, Chief Constable;  
Larry Butler, Sergeant.

*As an Individual:*

Robert M. Gordon, Professor and Director, School of Criminology,  
Simon Fraser University.

Pierre-Yves Bourduas made a statement and, with Michel Aubin, answered questions.

Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 43

Thursday, February 1, 2007

The Standing Committee on Justice and Human Rights met in a video recorded session at 9:04 a.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Garry Breitkreuz for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Royal Canadian Mounted Police:* Pierre-Yves Bourduas, Deputy Commissioner, Federal Services and Central Region; Michel Aubin, Director, Organized Crime Branch. *Vancouver Police Department:* Jamie Graham, Chief Constable; Larry Butler, Sergeant. *As an individual:* Robert M. Gordon, Professor and Director, School of Criminology, Simon Fraser University.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on December 4, 2006, the Committee resumed its study on gangsterism.

Pierre-Yves Bourduas made a statement and, with Michel Aubin, answered questions.

Jamie Graham and Larry Butler made statements and answered questions.

Robert M. Gordon made a statement and answered questions.

At 10:59 a.m., the sitting was suspended.

At 11:00 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Eight Report from the Subcommittee on Agenda and Procedure which read as follows:

Your Subcommittee met on Tuesday, January 30, 2007, to consider the business of the Committee and agreed to make the following recommendations:

That, notwithstanding the decisions taken by the Committee on Wednesday, December 13, 2006:

The meeting with the Minister of Justice relating to the appointment process for judges take place on Monday, February 5, 2007 at 3:30 p.m.

The meeting concerning Bill C-299 with the sponsor of the bill and the officials from the Department of Justice take place on Thursday, February 8, 2007 at 9:00 a.m.



The clause by clause study of Bill C-10 take place on Tuesday, February 6, 2007 and if necessary, continue on Tuesday, February 13, 2007.

The study of Bill C-18 commence on Thursday, February 15, 2007 with the Minister of Justice and officials as witnesses and continue on February 20, 22 and 27, 2007.

In relation to the list of suggested witnesses concerning Bill C-18, that some groups be invited to appear and that other groups be invited to submit a brief.

That in relation to the study of Bill C-18, a visit to the DNA Centre of the RCMP, in Ottawa, be organised outside the regular schedule of the Committee.

It was agreed, — That the Eight Report from the Subcommittee on Agenda and Procedure be concurred in.

At 11:05 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/02 1:06 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 44**

**Monday, February 5, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee commenced consideration of Bill C-277, An Act to amend the Criminal Code (luring a child).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Paule Brunelle for Carole Freeman,  
Hon. Michael D. Chong for Rob Moore,  
and Rick Norlock for Patrick Brown.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk;

**WITNESSES:**

Ed Fast, Abbotsford.

*Department of Justice:*

Carole Morency, Senior Counsel, Criminal Law Policy Section.

Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 44

Monday, February 5, 2007

The Standing Committee on Justice and Human Rights met at 11:02 a.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Paule Brunelle for Carole Freeman, Hon. Michael D. Chong for Rob Moore and Rick Norlock for Patrick Brown.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses:* Ed Fast, Abbotsford. *Department of Justice:* Carole Morency, Senior Counsel, Criminal Law Policy Section.

Ed Fast made a statement and answered questions.

Carole Morency made a statement and answered questions.

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee commenced consideration of Bill C-277, An Act to amend the Criminal Code (luring a child).

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

Myron Thompson moved, — That Bill C-277, in Clause 1, be amended by replacing lines 4 to 8 on page 1 with the following:

“1. Paragraphs 172.1(2)(a) and (b) of the *Criminal Code* are replaced by the following:

(a) an indictable offence and liable to imprisonment for a term of not more than ten years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.”

After debate, the question was put on the amendment of Myron Thompson and it was agreed to.

Clause 1, as amended, carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-277, as amended, be reprinted for the use of the House at report stage.

At 12:55 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/08 1:41 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 45**

**Monday, February 5, 2007**

**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2), the Committee commenced its study of the Judicial Appointment Process.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Claude Bachand for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Judith Bellis, General Counsel, Judicial Affairs, Courts and Tribunal Policy;

Donald E. Buckingham, Judicial Affairs Advisor, Minister's Office.

The Minister of Justice made a statement and, with the other witnesses, answered questions.

Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 45

Monday, February 5, 2007

The Standing Committee on Justice and Human Rights met in a televised session at 4:03 p.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Claude Bachand for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* Judith Bellis, General Counsel, Judicial Affairs, Courts and Tribunal Policy; Donald E. Buckingham, Judicial Affairs Advisor, Minister's Office.

Pursuant to Standing Order 108(2), the Committee commenced its study of the Judicial Appointment Process.

The Minister of Justice made a statement and, with the other witnesses, answered questions.

At 5:09 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/06 3:36 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 46**

**Tuesday, February 6, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Roger Valley for Brian Murphy.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

William C. Bartlett, Senior Counsel, Criminal Law Policy Section;

Julie Besner, Counsel, Criminal Policy Section.

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Diane Diotte  
Clerk of the Committee

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Close

## MINUTES OF PROCEEDINGS

Meeting No. 46

Tuesday, February 6, 2007

The Standing Committee on Justice and Human Rights met at 9:04 a.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Roger Valley for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Julie Besner, Counsel, Criminal Policy Section.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Committee commenced its clause-by-clause study of the Bill.

Pursuant to Standing Order 75(1), consideration of the Preamble is postponed.

The witnesses answered questions.

The Chair called Clause 1.

Debate arose thereon.

At 10:19 a.m., the sitting was suspended.

At 10:46 a.m., the sitting resumed.

At 10:51 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/07 9:41 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Vice-Chair: Derek Lee.

**Meeting No. 47**

**Thursday, February 8, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, November 1, 2006, the Committee commenced consideration of Bill C-299, An Act to amend the Criminal Code, the Canada Evidence Act and the Competition Act (personal information obtained by fraud).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**OTHER MEMBERS PRESENT:**

Hon. Gurbax Malhi.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

James Rajotte, Edmonton—Leduc.

Diane Diotte  
Clerk of the Committee



**Français** Close

## MINUTES OF PROCEEDINGS

Meeting No. 47

Thursday, February 8, 2007

The Standing Committee on Justice and Human Rights met at 9:02 a.m. this day, in Room 209, West Block, the Vice-Chair, Derek Lee, presiding.

*Members of the Committee present:* Patrick Brown, Joe Comartin, Carole Freeman, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Other Members present:* Hon. Gurbax Malhi.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses:* James Rajotte, Edmonton—Leduc.

Pursuant to the Order of Reference of Wednesday, November 1, 2006, the Committee commenced consideration of Bill C-299, An Act to amend the Criminal Code, the Canada Evidence Act and the Competition Act (personal information obtained by fraud).

James Rajotte made a statement and answered questions.

At 9:54 a.m., Réal Ménard took the Chair.

On motion of Rob Moore, it was agreed, — That consideration of Bill C-299 be postponed until next week.

At 10:05 a.m., the sitting was suspended.

At 10:10 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

On motion of Marlene Jennings, it was agreed, — That the Standing Committee on Justice be granted an operational budget of \$20,000 for its study of Bill C-18.

On motion of Marlene Jennings, it was agreed, — That the travel budget in the amount of \$475.00 be adopted for a visit to the RCMP DNA Centre in Ottawa.

At 10:25 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/08 2:38 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 48**

**Tuesday, February 13, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

William C. Bartlett, Senior Counsel, Criminal Law Policy Section;  
Julie Besner, Counsel, Criminal Policy Section.

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Diane Diotte  
Clerk of the Committee

**Français** Close

## MINUTES OF PROCEEDINGS

Meeting No. 48

Tuesday, February 13, 2007

The Standing Committee on Justice and Human Rights met at 9:17 a.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Julie Besner, Counsel, Criminal Policy Section.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The witnesses answered questions.

At 9:22 a.m., the sitting was suspended.

At 10:07 a.m., the sitting resumed.

Réal Ménard gave the following notice of motion:

1. That the government amend the definition of "criminal organization" in section 467.1 of the Criminal Code to include the commission of offences involving gratuitous violence (e.g.: drive-by shootings) that yield no material benefit for the said organization, as defined in section 467.1.

2. That the government amend the Criminal Code to make warrants authorizing the use of a GPS system to monitor the movements of a motor vehicle (s. 487.01) valid for the same period as warrants for electronic surveillance; namely, one year.

3. That the federal government make available to the provincial attorneys general a fund of at least \$5 million over three years to help train Crown prosecutors specializing in combating street gangs.

4. That the federal government implement a web site accessible by police officers; federal, provincial and territorial justice ministers; and Crown attorneys, with links to the following:

a. the decisions of all Canadian courts pertaining to the fight against organized crime and street gangs; and

b. all evidence used by the defence and Crown in cases in which charges were laid under sections 467.1,



467.11, 467.12 and 467.13 of the Criminal Code;

c. and that this secure web site be accessible only by police officers; federal, provincial and territorial justice ministers; and Crown attorneys.

5. That the Chair of the Committee report the adoption of this motion to the House of Commons as soon as possible.

The Committee resumed its clause-by-clause study of the Bill.

On Clause 1,

Marlene Jennings moved, — That Bill C-10 be amended by deleting Clause 1.

#### RULING BY THE CHAIR

This amendment proposes to delete clause 1. *House of Commons Procedure and Practice* states on page 656 that “An amendment is out of order if it simply attempts to delete a clause, since in that case all that needs to be done is to vote against the adoption of the clause in question.” Therefore this amendment is inadmissible.

Rob Moore moved, — That Bill C-10, in Clause 1, be amended by

(a) replacing lines 5 to 7 on page 2 with the following:

subsections 85(3), 95(2), 99(2), 100(2) and 103(2), whether a con-

(b) replacing, in the English version, line 8 on page 2 with the following:

victed person has committed a second or

Debate arose thereon.

By unanimous consent, Clauses 1, 2 and 9 were stood.

Clause 3 carried.

Clause 4 carried.

Clause 5 carried.

Clause 6 carried.

On Clause 7,

Marlene Jennings moved, — That Bill C-10, in Clause 7, be amended by replacing lines 34 to 43 on page 4 with the following:

“(2) Paragraph 95(2)(a) of the Act is replaced by the following:

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years, or”

The Chair ruled the proposed amendment inadmissible because it was contrary to the principle of the Bill, as provided on page 654 of *House of Commons Procedure and Practice*.

Whereupon, Réal Ménard appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned on the following recorded division: YEAS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4; NAYS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7.

After debate, the question was put on the amendment of Marlene Jennings and it was negatived, by a show of hands: YEAS: 4; NAYS: 7.

Clause 7 was negatived by a show of hands: YEAS: 5; NAYS: 6.

Clause 8 was negatived.

On Clause 10,

Marlene Jennings moved, — That Bill C-10, in Clause 10, be amended by replacing lines 40 and 41 on page 6 and lines 1 to 18 on page 7 with the following:

“10. Subsection 99(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years.”

The Chair ruled the proposed amendment inadmissible because it was contrary to the principle of the Bill, as provided on page 654 of *House of Commons Procedure and Practice*.

Whereupon, Marlene Jennings appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned on the following recorded division: YEAS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4; NAYS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7.

The question was put on the amendment of Marlene Jennings and it was negatived, by a show of hands: YEAS: 4; NAYS: 7.

Clause 10 was negatived by a show of hands: YEAS: 5; NAYS: 6.

On Clause 11,

Marlene Jennings moved, — That Bill C-10, in Clause 11, be amended by replacing lines 19 to 37 on page 7 with the following:

“11. Subsection 100(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years.”

The Chair ruled the proposed amendment inadmissible because it was contrary to the principle of the Bill, as provided on page 654 of *House of Commons Procedure and Practice*.

Whereupon, Larry Bagnell appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned on the following recorded division: YEAS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4; NAYS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7.

The question was put on the amendment of Marlene Jennings and it was negated, by a show of hands: YEAS: 4; NAYS: 7.

Clause 11 was negated by a show of hands: YEAS: 5; NAYS: 6.

Clause 12 was negated by a show of hands: YEAS: 4; NAYS: 7.

On Clause 13,

Marlene Jennings moved, — That Bill C-10, in Clause 13, be amended by replacing lines 3 to 22 on page 8 with the following:

“13. Subsection 103(2) of the Act is replaced by the following:

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years.”

The Chair ruled the proposed amendment inadmissible because it was contrary to the principle of the Bill, as provided on page 654 of *House of Commons Procedure and Practice*.

Whereupon, Derek Lee appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned on the following recorded division: YEAS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4; NAYS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7.

The question was put on the amendment of Marlene Jennings and it was negated, by a show of hands: YEAS: 4; NAYS: 6.

Clause 13 was negated by a show of hands: YEAS: 5; NAYS: 6.

At 10:58 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/14 10:11 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 49**

**Thursday, February 15, 2007**

**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee resumed consideration of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Greg Yost, Counsel, Criminal Law Policy Section.

*Royal Canadian Mounted Police:*

David Bird, Senior Legal Counsel.

The Minister made a statement and, with the other witnesses, answered questions.

Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 49

Thursday, February 15, 2007

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* Greg Yost, Counsel, Criminal Law Policy Section. *Royal Canadian Mounted Police:* David Bird, Senior Legal Counsel.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — 1. That the government amend the definition of "criminal organization" in section 467.1 of the Criminal Code to include the commission of offences involving gratuitous violence (e.g.: drive-by shootings) that yield no material benefit for the said organization, as defined in section 467.1.

2. That the government amend the Criminal Code to make warrants authorizing the use of a GPS system to monitor the movements of a motor vehicle (s. 487.01) valid for the same period as warrants for electronic surveillance; namely, one year.

3. That the federal government make available to the provincial attorneys general sufficient funds over three years to help train Crown prosecutors specializing in combating street gangs.

4. That the federal government implement a web site accessible by police officers; federal, provincial and territorial justice ministers; and Crown attorneys, with links to the following:

a. the decisions of all Canadian courts pertaining to the fight against organized crime and street gangs; and

b. all evidence used by the defence and Crown in cases in which charges were laid under sections 467.1, 467.11, 467.12 and 467.13 of the Criminal Code;

and that this secure web site be accessible only by police officers; federal, provincial and territorial justice ministers; and Crown attorneys.

5. That the Chair of the Committee report the adoption of this motion to the House of Commons as soon as possible.

Debate arose thereon.

It was agreed, — That the vote on this motion be deferred until the next meeting of the Committee.

At 9:28 a.m., the sitting was suspended.

At 9:33, the sitting resumed in a *televised session*.

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee commenced consideration of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

The Minister made a statement and, with the other witnesses, answered questions.

At 10:58 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/15 3:48 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 50**

**Tuesday, February 20, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.



**WITNESSES:**

*Department of Justice:*

William C. Bartlett, Senior Counsel, Criminal Law Policy Section;  
Julie Besner, Counsel, Criminal Policy Section.

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Diane Diotte  
Clerk of the Committee

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Close

## MINUTES OF PROCEEDINGS

Meeting No. 50

Tuesday, February 20, 2007

The Standing Committee on Justice and Human Rights met at 9:13 a.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Department of Justice:* William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Julie Besner, Counsel, Criminal Policy Section.

Pursuant to the Order of Reference of Tuesday, June 13, 2006, the Committee resumed consideration of Bill C-10, An Act to amend the Criminal Code (minimum penalties for offences involving firearms) and to make a consequential amendment to another Act.

The Committee resumed its clause-by-clause study of the Bill.

The witnesses answered questions.

On Clause 14,

Rob Moore moved, — That Bill C-10 be amended by deleting Clause 14.

The Chair ruled the proposed amendment inadmissible because it proposed the deletion of the clause, as provided on page 656 of House of Commons Procedure and Practice.

Clause 14 was negatived by a show of hands: YEAS: 5; NAYS: 6.

On new Clause 14.1,

Marlene Jennings moved, — That Bill C-10 be amended by adding after line 5 on page 9 the following new clause:

“14.1 Paragraph 117.07(1)(g) of the Act is replaced by the following:

(g) removes, alters, obliterates or defaces either a firearm marking required by regulation or a serial number on a firearm in the course of the public officer's duties or employment.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Marlene Jennings appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained, by a show of hands: YEAS: 7; NAYS: 4.

On new Clause 14.2,

Marlene Jennings moved, — That Bill C-10 be amended by adding after line 5 on page 9 the following new clause:

“14.2 Paragraph 117.08(g) of the Act is replaced by the following:

(g) removes, alters, obliterates or defaces either a firearm marking required by regulation or a serial number on a firearm,”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Marlene Jennings appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained, by a show of hands: YEAS: 7; NAYS: 4.

On new Clause 14.3,

Marlene Jennings moved, — That Bill C-10 be amended by adding after line 5 on page 9 the following new clause:

“14.3 Section 117.11 of the Act is replaced by the following:

117.11 Where, in any proceedings for an offence under this Act, any question arises as to whether the accused is the holder of an authorization, a licence or a registration certificate, the onus is on the accused to prove that he or she is the holder of the authorization, licence or registration certificate.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Marlene Jennings appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained, by a show of hands: YEAS: 7; NAYS: 4.

On new Clause 14.4,

Marlene Jennings moved, — That Bill C-10 be amended by adding after line 5 on page 9 the following new clause:

“14.4 Subsection 117.13(3) of the English version of the Act is replaced by the following:

(3) No certificate of an analyst may be admitted in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of that intention and a copy of the certificate.”

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Marlene Jennings appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained, by a show of hands: YEAS: 7; NAYS: 4.

By unanimous consent, Clause 15 was allowed to stand.

Clause 16 was negatived by a show of hands: YEAS: 5; NAYS: 6.

On Clause 17,

Rob Moore moved, — That Bill C-10, in Clause 17, be amended by

(a) replacing lines 17 to 20 on page 10 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 30 on page 10 with the following:

“committed a second or subsequent”

The question was put on the amendment of Rob Moore and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following seven (7) amendments which are therefore also negatived:

That Bill C-10, in Clause 18, be amended by

(a) replacing lines 31 to 34 on page 11 with the following:

“(ii) in the case of a second or subsequent offence, seven years; and”

(b) replacing, in the English version, line 41 on page 11 with the following:

“committed a second or subsequent”

That Bill C-10, in Clause 19, be amended by

(a) replacing lines 33 to 36 on page 12 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 3 on page 13 with the following:

“committed a second or subsequent”



That Bill C-10, in Clause 20, be amended by

(a) replacing lines 38 to 41 on page 13 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 10 on page 14 with the following:

“committed a second or subsequent”

That Bill C-10, in Clause 21, be amended by

(a) replacing lines 1 to 4 on page 15 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 14 on page 15 with the following:

“has committed a second or subsequent”

That Bill C-10, in Clause 22, be amended by

(a) replacing lines 23 to 26 on page 16 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 36 on page 16 with the following:

“has committed a second or subsequent”

That Bill C-10, in Clause 23, be amended by

(a) replacing lines 31 to 34 on page 17 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 3 on page 18 with the following:

“committed a second or subsequent”

That Bill C-10, in Clause 24, be amended by

(a) replacing lines 38 to 41 on page 18 with the following:

“(ii) in the case of a second or subsequent offence, seven years;”

(b) replacing, in the English version, line 10 on page 19 with the following:

“has committed a second or subsequent ”



Clause 17 was negatived by a show of hands: YEAS: 5; NAYS: 6.

By unanimous consent, it was agreed, — That the result of the vote on Clause 17 be applied to Clauses 18 to 24, which are therefore also negatived.

By unanimous consent, Clause 25 was allowed to stand.

Clause 26 was negatived by a show of hands: YEAS: 5; NAYS: 6.

By unanimous consent, it was agreed, — That the result of the vote on Clause 26 be applied to Clauses 27, 29 and 30, which are therefore also negatived.

By unanimous consent, Clause 28 was allowed to stand.

By unanimous consent, Clause 31 was allowed to stand.

On Clause 1

The Committee resumed consideration of the amendment of Rob Moore, — That Bill C-10, in Clause 1, be amended by

(a) replacing lines 5 to 7 on page 2 with the following:

“subsections 85(3), 95(2), 99(2), 100(2) and 103(2), whether a con-”

(b) replacing, in the English version, line 8 on page 2 with the following:

“victed person has committed a second or”

By unanimous consent, the amendment was withdrawn.

Clause 1 was negatived by a show of hands: YEAS: 4; NAYS: 7.

On Clause 2,

Rob Moore moved, — That Bill C-10, in Clause 2, be amended by replacing lines 3 to 11 on page 3 with the following:

“(b) in the case of a second or subsequent offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of three years.”

The question was put on the amendment of Rob Moore and it was negatived, by a show of hands: YEAS: 4; NAYS: 7.

Clause 2 was negatived by a show of hands: YEAS: 4; NAYS: 7.

Rob Moore moved, — That Bill C-10, in Clause 9, be amended by

(a) replacing lines 21 to 28 on page 6 with the following:

“offence and liable to imprisonment for life. ”

(b) replacing lines 33 to 39 on page 6 with the following:

“offence and is liable to imprisonment for life.”

The question was put on the amendment of Rob Moore and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit, Myron Thompson — 11; NAYS: — 0.

Clause 9, as amended, carried.

Clause 15 carried.

Clause 25 carried.

Clause 28 carried.

Clause 31 carried.

The Preamble was negatived by a show of hands: YEAS: 4; NAYS: 7.

On Title,

Derek Lee moved, — That Bill C-10 be amended by replacing the long title on page 1 with the following:

“An Act to amend the Criminal Code (offences involving firearms)”

The question was put on the amendment of Derek Lee and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

The Title, as amended, carried by a show of hands: YEAS: 7; NAYS: 4.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-10, as amended, be reprinted for the use of the House at report stage.

At 10:04 a.m., the sitting was suspended.

At 10:10 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Ninth Report from the Subcommittee on Agenda and Procedure.

It was agreed, — That the vote concerning the motion of Mr. Ménard about some proposed amendments

to the Criminal Code be postponed until after the adjournment period of March 2007.

It was agreed, — That the next meeting concerning Bill C-299 take place on Thursday, February 22, 2007 and that the agenda be as follows: 1) witnesses: departmental officials and Mr. James Rajotte and 2) clause by clause study.

It was agreed, — That, in relation to the study of Bill C-18, four groups/individuals be invited to appear on Tuesday, February 27, 2007 , and that the clause by clause study take place on March 1, 2007.

It was agreed, — That the Subcommittee on Agenda and Procedure revisit the question of the study of the provisions of Bill C-53 later this year.

It was agreed, — That the notice of motion from Mr. Ménard concerning the study of the process of appointment for judges be debated at the meeting of Thursday, February 22, 2007.

At 11:01 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/02/21 3:25 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 51**

**Thursday, February 22, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, November 1, 2006, the Committee commenced consideration of Bill C-299, An Act to amend the Criminal Code, the Canada Evidence Act and the Competition Act (personal information obtained by fraud).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Lloyd St. Amand for Hon. Larry Bagnell.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

William C. Bartlett, Senior Counsel, Criminal Law Policy Section;  
Joanne Klineberg, Counsel, Criminal Law Policy Section.

*House of Commons:*

James Rajotte, Edmonton—Leduc.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 51

Thursday, February 22, 2007

The Standing Committee on Justice and Human Rights met at 9:07 a.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Lloyd St. Amand for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Joanne Klineberg, Counsel, Criminal Law Policy Section. *House of Commons:* James Rajotte, Edmonton—Leduc.

Pursuant to the Order of Reference of Wednesday, November 1, 2006, the Committee resumed consideration of Bill C-299, An Act to amend the Criminal Code, the Canada Evidence Act and the Competition Act (personal information obtained by fraud).

At 10:11 a.m., the sitting was suspended.

At 10:13 a.m., the sitting resumed.

The Committee commenced its clause-by-clause study of the Bill.

The witnesses answered questions.

The Chair called Clause 1.

By unanimous consent, after debate, Clause 1 was negatived.

By unanimous consent, it was agreed, — That the result of the vote on Clause 1 be applied to Clauses 3 to 9, which are therefore also negatived.

On Clause 2,

Rob Moore moved, — That Bill C-299, in Clause 2, be amended by

(a) replacing lines 14 to 21 on page 1 with the following:

“(e) obtains identification information from any person by a false pretence or by fraud with intent to use the information to commit an offence under section 380 or 403; or

(f) sells or otherwise discloses identification information obtained from any person by a false pretence or by fraud knowing that the information is intended to be used to commit an offence under section 380 or 403.

(1.1) Section 362 of the Act is amended by adding the following after subsection (1):

(1.1) In subsection (1), “identification information” means information about any person, living or dead, that is capable of being used, whether alone or in conjunction with other information, to identify that person.”

(b) replacing lines 24 and 25 on page 1 with the following:

“(3.1) Everyone who commits an offence under paragraph 1(e) or (f)”

Debate arose thereon.

Derek Lee moved, — That the amendment be amended by adding the words “or by theft ” after the word “pretence” in paragraph (e) and paragraph (f)

Debate arose thereon.

The Chair ruled the proposed subamendment inadmissible because it was beyond the scope of the Bill, as provided on page 654 of House of Commons Procedure and Practice.

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 2, as amended, carried.

Clause 10 carried.

On Title,

Derek Lee moved, — That Bill C-299 be amended by replacing the long title on page 1 with the following:

“An Act to amend the Criminal Code (personal information obtained by fraud)”

Debate arose thereon.

Marlene Jennings moved, — That the amendment be amended by replacing the words “personal information” with the words “identification information ”

Debate arose thereon.

After debate, the question was put on the subamendment of Marlene Jennings and it was agreed to.

Rob Moore moved, — That the amendment be amended by adding the words “or false pretence” after the word “fraud”.

Debate arose thereon.

After debate, the question was put on the subamendment of Rob Moore and it was agreed to.

After debate, the question was put on the amendment of Derek Lee, as amended, and it was agreed to.

The Title, as amended, carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-299, as amended, be reprinted for the use of the House at report stage.

The Committee proceeded to the consideration of matters related to Committee business.

At 10:32 a.m., the sitting was suspended.

At 10:34 a.m., the sitting resumed.

Marlene Jennings moved, — That this Committee recommends that this House take note of the importance of the contribution that the ethnocultural communities make to the prevention of crime, social reintegration of offenders and rapid growth of safer communities and that it recognize the need to ensure every means and resource to allow police departments, the Correctional Service of Canada, the National Parole Board and the ethnocultural communities to respond better to the new needs of the increasingly diversified offender and prison population.

Debate arose thereon.

After debate, the question was put on the motion and it was agreed to.

Réal Ménard moved, — 1. That the Government postpone the reform made to the composition of the judge selection committees and that it restore the previous procedure for these committees.

2. That, as soon as the study of Bill C-18 is completed, the Committee devote three sessions to hearing witnesses who will inform the Committee of the consequences the government's proposed changes will have on the integrity of the legal system.

3. That the Chair report the Committee's conclusions to the House.

Debate arose thereon.

On motion of Réal Ménard, it was agreed, — That the debate be adjourned.

At 11:11 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee



2007/02/23 3:08 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 52**

**Tuesday, February 27, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee resumed consideration of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Hon. Sue Barnes for Derek Lee,  
Raymond Bonin for Hon. Larry Bagnell,

and Jean-Claude D'Amours for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Susan Baldwin, Legislative Clerk.

**WITNESSES:**

*Royal Canadian Mounted Police:*

David Bird, Senior Legal Counsel;  
J. Bowen, Acting Director, Biology Project;  
Joe Buckle, Director General, Forensic Science and Identification  
Services;  
Anne-Elizabeth Charland, Officer in Charge, Management  
Services.

Joe Buckle made a statement and, with the other witnesses, answered questions.

Diane Diotte  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 52

Tuesday, February 27, 2007

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Room 208, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Hon. Sue Barnes for Derek Lee, Raymond Bonin for Hon. Larry Bagnell and Jean-Claude D'Amours for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Susan Baldwin, Legislative Clerk.

*Witnesses: Royal Canadian Mounted Police:* David Bird, Senior Legal Counsel; J. Bowen, Acting Director, Biology Project; Joe Buckle, Director General, Forensic Science and Identification Services; Anne-Elizabeth Charland, Officer in Charge, Management Services.

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee resumed consideration of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

Joe Buckle made a statement and, with the other witnesses, answered questions.

At 10:51 a.m., the sitting was suspended.

At 10:55 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee resumed consideration of the motion of Réal Ménard, — Whereas the Conservative government has decided to revise the procedure for selecting judges without consultation;

Whereas this modified review procedure bears flagrant signs of partisanship and ideological influence;

It is moved:

1. That the Government postpone the reform made to the composition of the judge selection committees and that it restore the previous procedure for these committees.
2. That, as soon as the study of Bill C-18 is completed, the Committee devote three sessions to hearing witnesses who will inform the Committee of the consequences the government's proposed changes will have on the integrity of the legal system.
3. That the Chair report the Committee's conclusions to the House .

Marlene Jennings moved, — That the motion be amended by:

- a) adding in the second paragraph after the word "devote" the following: "a minimum of";
- b) adding, in the second paragraph, after the word "sessions," the following: "beginning in the week of March 19th at the latest, which would be added to the two regular weekly sessions"; and
- c) adding, in the third paragraph, before the words "to hearing" the following: "That these additional sessions be dedicated".

Debate arose thereon.

Daniel Petit moved, — That the debate be now adjourned.

The question was put on the motion and it was negatived on the following recorded division: YEAS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4; NAYS: Raymond Bonin, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7.

At 11:02 a.m., the sitting was suspended.

At 11:26 a.m., the sitting resumed.

Daniel Petit proposed to move - That the Committee make an in-depth study, by creating a sub-committee to do so, of the whole of all nominations of federally appointed judges since 1993, up to the time that the sub-committee files its report, to determine what links or ties federally appointed judges had, before their nomination, with the Liberal Party of Canada, ties such as:

Family ties, as well as those through marriage or common law arrangements, with members or officers of the Liberal Party of Canada;

Financial or business ties, such as contributions, donations, loans or free services given by these judges before their nomination, or by their employers, associates or corporations to or for the Liberal Party of Canada, to the members or officers of the Liberal Party of Canada;

That the sub-committee be able to compel as witnesses before it, all members who have been part of these Judicial appointments committees (JACs) from 1993 up to the time the special sub-committee files its report;

That the sub-committee be able to obtain all names of all candidates who have applied since 1993, both recommended and highly recommended;

That the sub-committee make the necessary recommendations to improve, remove, amend or delete the composition of said Judicial Advisory committees.

The Chair ruled the proposed subamendment inadmissible as it introduced a new proposition that should be moved as a substantive motion, as provided on page 453 of House of Commons Procedure and Practice.

Rob Moore moved, — That the amendment be amended by:



a) deleting the words: "Whereas the Conservative government has decided to revise the procedure for selecting judges without consultation;

Whereas this modified review procedure bears flagrant signs of partisanship and ideological influence;

1. That the Government postpone the reform made to the composition of the judge selection committees and that it restore the previous procedure for these committees";

b) replacing in the second paragraph the word "three' by "two";

c) deleting in the third paragraph, after the word "on" the following: "the integrity of".

After debate, the question was put on the amendment of Rob Moore and it was negatived on the following recorded division: YEAS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4; NAYS: Sue Barnes, Jean-Claude D'Amours, Carole Freeman, Marlene Jennings, Réal Ménard, Brian Murphy — 6.

The question was put on the amendment of Marlene Jennings and it was agreed to on the following recorded division: YEAS: Sue Barnes, Jean-Claude D'Amours, Carole Freeman, Marlene Jennings, Réal Ménard, Brian Murphy — 6; NAYS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4.

The question was put on the motion, as amended, and it was agreed to on the following recorded division: YEAS: Sue Barnes, Jean-Claude D'Amours, Carole Freeman, Marlene Jennings, Réal Ménard, Brian Murphy — 6; NAYS: Patrick Brown, Rob Moore, Daniel Petit, Myron Thompson — 4.

At 11:04 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/02 12:13 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 53**

Thursday, March 1, 2007

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee resumed consideration of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Lloyd St. Amand for Hon. Larry Bagnell.

**ASSOCIATE MEMBERS PRESENT:**

Garry Breitkreuz.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

Joann Garbig, Legislative Clerk.

**WITNESSES:**

*Royal Canadian Mounted Police:*

David Bird, Senior Legal Counsel.

*Department of Justice:*

Greg Yost, Counsel, Criminal Law Policy Section.

Diane Diotte  
Clerk of the Committee

FrançaisClose

## MINUTES OF PROCEEDINGS

Meeting No. 53

Thursday, March 1, 2007

The Standing Committee on Justice and Human Rights met at 9:03 a.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Lloyd St. Amand for Hon. Larry Bagnell.

*Associate Members present:* Garry Breitkreuz.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Joann Garbig, Legislative Clerk.

*Witnesses: Royal Canadian Mounted Police:* David Bird, Senior Legal Counsel. *Department of Justice:* Greg Yost, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Wednesday, October 4, 2006, the Committee resumed consideration of Bill C-18, An Act to amend certain Acts in relation to DNA identification.

The Committee commenced its clause-by-clause study of the Bill.

The witnesses answered questions.

The Chair called Clause 1.

By unanimous consent, Clauses 1 to 52 inclusive carried on division.

The Title carried on division.

The Bill carried on division.

ORDERED, — That the Chair report the Bill to the House.

At 9:17 a.m., the sitting was suspended.

At 9:19 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Tenth Report from the Subcommittee on Agenda and Procedure

Debate arose thereon.

It was agreed, — That, in relation to the study of Bill C-22, groups/individuals be invited to appear on

March 21, from 3:30 to 5:30 p.m., and on March 22, March 27 and March 29, 2007, from 9:00 to 11:00 a.m., starting with the Minister of Justice and officials from the department; and that the clause by clause study take place on April 17, 2007 at 9:00 a.m.

That, in relation to the study of Bill C-22, the clerk of the committee be authorized to invite from the list of potential witnesses dated February 27, 2007, some groups and individuals, for a maximum of 5 groups or individuals by meeting and, that further consultation on who to invite will take place at a future meeting of the Sub-Committee on agenda and procedure.

That the committee proceed to the study of the procedure for selecting judges on Tuesday, March 20, 2007, from 9:00 to 11:00 a.m. and continue with the study on March 28 and April 18, 2007, from 3:30 to 5:30 p.m., with a maximum of 5 groups/individuals by meeting.

That, in relation to the study of the procedure for selecting judges, the committee start its review by inviting the following groups or individuals to appear: the Commissioner for Federal Judicial Affairs, the General Counsel from the Department of Justice, Sébastien Grammond, Former judge Antonio Lamer, Former judge Claire L'Heureux-Dubé, l'Association du Barreau canadien, Peter Russell, Jacob Ziegel, Peter Hogg, Patrick Monahan, the Canadian Association of Chiefs of Police and the Canadian Professional Police Association.

That, in relation to the study of the procedure for selecting judges, the clerk ask the members of the Committee to submit their suggestions for additional witnesses and that they will be reviewed by the Subcommittee on Agenda and Procedure.

It was agreed, — That the Tenth Report of the Subcommittee on Agenda and Procedure, as amended, be adopted.

At 9:55 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/02 8:25 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 54**

**Tuesday, March 20, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2), the Committee commenced its study of the Judicial Appointment Process.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Office of the Commissioner for Federal Judicial Affairs:*

Marc Giroux, Acting Commissioner.

*Department of Justice:*

Judith Bellis, General Counsel, Judicial Affairs, Courts and Tribunal Policy.

*As Individuals:*

Sébastien Grammond, Professor, Faculty of Law, Civil Law Section, University of Ottawa;

Peter Russell, Professor, Department of Political Science, University of Toronto.

*Canadian Bar Association:*

J. Parker MacCarthy, Président;

Kerri Froc, Legal Policy Analyst.

J. Parker MacCarthy made a statement and, with the other witness from the Canadian Bar Association, answered questions.

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Diane Diotte  
Clerk of the Committee

**Français**

Close

## MINUTES OF PROCEEDINGS

Meeting No. 54

Tuesday, March 20, 2007

The Standing Committee on Justice and Human Rights met in a video recorded session at 9:05 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Office of the Commissioner for Federal Judicial Affairs:* Marc Giroux, Acting Commissioner. *Department of Justice:* Judith Bellis, General Counsel, Judicial Affairs, Courts and Tribunal Policy. *As individuals:* Sébastien Grammond, Professor, Faculty of Law, Civil Law Section, University of Ottawa; Peter Russell, Professor, Department of Political Science, University of Toronto. *Canadian Bar Association:* J. Parker MacCarthy, Président; Kerri Froc, Legal Policy Analyst.

Pursuant to Standing Order 108(2), the Committee commenced its study of the Judicial Appointment Process.

Marc Giroux made a statement and answered questions.

Judith Bellis made a statement and answered questions.

Sébastien Grammond made a statement and answered questions.

Peter Russell made a statement and answered questions.

J. Parker MacCarthy made a statement and, with the other witness from the Canadian Bar Association, answered questions.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/27 9:55 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 55**

**Wednesday, March 21, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit.  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.



**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Carole Morency, Acting General Counsel.

The Minister of Justice made a statement and, with the other witness, answered questions.

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Diane Diotte  
Clerk of the Committee

**Français** Close

## MINUTES OF PROCEEDINGS

Meeting No. 55

Wednesday, March 21, 2007

The Standing Committee on Justice and Human Rights met in a televised session at 3:32 p.m. this day, in Room 253-D, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* Carole Morency, Acting General Counsel.

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee commenced consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

The Minister of Justice made a statement and, with the other witness, answered questions.

At 4:39 p.m., the sitting was suspended.

At 4:42 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Eleventh Report from the Subcommittee on Agenda and Procedure which read as follows:

Your Subcommittee met on Tuesday, March 20, 2007, to consider the business of the Committee and agreed to make the following recommendations:

1. That the Committee meet from 9:00 a.m. to 2:00 p.m on Thursday, March 29, 2007, in order to hear more witnesses in relation to Bill C-22 and that a lunch be provided.
2. That, in addition to the groups/individuals who already confirmed their appearance before the Committee in relation to Bill C-22, eight additional groups be invited to appear.
3. That in addition to the witnesses already confirmed, the following individuals be invited to appear before the Committee in relation to the judicial appointment process study: Antonio Lamer, Claire L'Heureux-Dubé, Constance Glube, Wallace Craig, George Baynton, William Trudell, Julian Porter and Patrick Monahan.
4. That in relation to the motion of Réal Ménard on organized crime, the Chair follow up with the

Department of Justice officials in order to know when the information will be provided to the Committee.

5. That in relation to the motion of Réal Ménard on pirating of films, the Chair follow up with the Minister's of Justice office and inform the Sub-Committee members at the next meeting what are the government's intentions on this subject.
6. That the Committee meet on April 19, 2007, to give drafting instructions to the analysts in relation to the report on the judicial appointment process study.
7. That the Minister of Justice be invited to appear before the Committee in relation to the Main Estimates 2007-2008 on April 24, 2007.
8. That the clause by clause study of Bill C-22 take place on April 17, 2007.
9. That in relation to Bill C-23, the analysts prepare a briefing note to explain "indictable offence" and "summary conviction offence".
10. That the Committee commence the study of Bill C-23 on May 1st, 2007 and that the clause by clause study take place on May 3, 2007.
11. That the Standing Committee on Justice and Human Rights be granted an operational budget of \$39,200 for the study of Bill C-22.
12. That the Standing Committee on Justice and Human Rights be granted an operational budget of \$27,900 for the judicial process study.

It was agreed on division, — That the Eleventh Report from the Subcommittee on Agenda and Procedure be concurred in.

At 5:19 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/22 3:33 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 56**

**Thursday, March 22, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Toronto Police Service:*

Kim Scanlan, Detective Sergeant, Sex Crimes Unit.

*Canadian Police Association:*

Tony Cannavino, President;

David Griffin, Executive Officer.

*Evangelical Fellowship of Canada:*

Doug Cryer, Director, Public Policy;

Don Hutchinson, General Legal Counsel.

*Mad Mothers Against Pedophiles:*

Carrie Kohan, Child Advocate, Founder of MMAP and Co-founder of Project Guardian.

*Royal Canadian Mounted Police:*

Mike Frizzell, Staff Sergeant, Strategic and Operational Support,  
National Child Exploitation Coordination Centre.

Tony Cannavino made a statement and, with David Griffin, answered questions.

Diane Diotte  
Clerk of the Committee



 Close

## MINUTES OF PROCEEDINGS

Meeting No. 56

Thursday, March 22, 2007

The Standing Committee on Justice and Human Rights met at 9:01 a.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Toronto Police Service:* Kim Scanlan, Detective Sergeant, Sex Crimes Unit. *Canadian Police Association:* Tony Cannavino, President; David Griffin, Executive Officer. *Evangelical Fellowship of Canada:* Doug Cryer, Director, Public Policy; Don Hutchinson, General Legal Counsel. *Mad Mothers Against Pedophiles:* Carrie Kohan, Child Advocate, Founder of MMAP and Co-founder of Project Guardian. *Royal Canadian Mounted Police:* Mike Frizzell, Staff Sergeant, Strategic and Operational Support, National Child Exploitation Coordination Centre.

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Kim Scanlan made a statement and answered questions.

Tony Cannavino made a statement and, with David Griffin, answered questions.

Doug Cryer and Don Hutchinson each made a statement and answered questions.

Carrie Kohan made a statement and answered questions.

Mike Frizzell made a statement and answered questions.

It was agreed, — That the Clerk look into the possibility of organizing a visit to the Canadian Police College in relation to the study of Bill C-22.

At 11:01 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/23 4:38 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 57**

**Tuesday, March 27, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Motivated Young People for a Strong Canada:*

Faytene Kryskow, Director;  
Donny Melanson, Member, Vancouver.

*Canadian Federation for Sexual Health:*

Andrea Cohen, President of the Board of Directors;  
Linda Capperault, Executive Director.

*Egale Canada:*

Kaj Hasselriis, Executive Director;  
Gregory Ko, Member.

*Regroupement québécois des Centres d'aide et de lutte contre les  
agressions à caractère sexuel:*

Carole Tremblay, Spokesperson;  
Michèle Roy, Spokesperson.

*Canadian AIDS Society:*

Nichole Downer, Programs Consultant;  
Kim Thomas, Director of Programs.

Faytene Kryskow made a statement and, with Donny Melanson, answered questions.

Andrea Cohen made a statement and, with Linda Capperault, answered questions.

Nichole Downer made a statement and, with Kim Thomas, answered questions.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 57

Tuesday, March 27, 2007

The Standing Committee on Justice and Human Rights met at 9:02 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Motivated Young People for a Strong Canada:* Faytene Kryskow, Director; Donny Melanson, Member, Vancouver. *Canadian Federation for Sexual Health:* Andrea Cohen, President of the Board of Directors; Linda Capperault, Executive Director. *Egale Canada:* Kaj Hasselriis, Executive Director; Gregory Ko, Member. *Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel:* Carole Tremblay, Spokesperson; Michèle Roy, Spokesperson. *Canadian AIDS Society:* Nichole Downer, Programs Consultant; Kim Thomas, Director of Programs.

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Faytene Kryskow made a statement and, with Donny Melanson, answered questions.

Andrea Cohen made a statement and, with Linda Capperault, answered questions.

Kaj Hasselriis and Gregory Ko each made a statement and answered questions.

Carole Tremblay and Michèle Roy each made a statement and answered questions.

Nichole Downer made a statement and, with Kim Thomas, answered questions.

At 11:06 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/27 2:50 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 58**

**Wednesday, March 28, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

**WITNESSES:**

*As Individuals:*

Wallace Gilby Craig, Retired Judge;  
Edward Ratushny, Professor, Common Law Section, Faculty of  
Law, University of Ottawa.

*Canadian Police Association:*

Tony Cannavino, President;  
David Griffin, Executive Officer.

*Canadian Council of Criminal Defence Lawyers:*

William M. Trudell, Chair.

Tony Cannavino made a statement and, with David Griffin, answered questions.

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Diane Diotte  
Clerk of the Committee

**Français**

Close

## MINUTES OF PROCEEDINGS

Meeting No. 58

Wednesday, March 28, 2007

The Standing Committee on Justice and Human Rights met at 3:32 p.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: As individuals:* Wallace Gilby Craig, Retired Judge; Edward Ratushny, Professor, Common Law Section, Faculty of Law, University of Ottawa. *Canadian Police Association:* Tony Cannavino, President; David Griffin, Executive Officer. *Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair.

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

Wallace Gilby Craig made a statement and answered questions.

Edward Ratushny made a statement and answered questions.

Tony Cannavino made a statement and, with David Griffin, answered questions.

William Trudell made a statement and answered questions.

The Committee proceeded to the consideration of matters related to Committee business.

At 5:30 p.m., the sitting was suspended.

At 5:31 p.m., the sitting resumed.

Brian Murphy moved, — That the travel budget, in the amount of \$475, for a visit to the RCMP Headquarters on April 16, 2007, be adopted.

After debate, the question was put on the motion and it was negatived, by a show of hands: YEAS: 4; NAYS: 5.

At 5:43 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/04/03 9:48 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 59**

**Thursday, March 29, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Patrick Brown,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ASSOCIATE MEMBERS PRESENT:**

Garry Breitkreuz.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*As Individuals:*

Paul Gillespie, Consultant.

*Canadian Centre for Justice Statistics:*

Lynn Barr-Telford, Director, Statistics Canada;  
Karen Mihorean, Assistant Director, Statistics Canada.

*Canadian Bar Association:*

Tamra Thomson, Director, Legislation and Law Reform;  
Margaret Gallagher, Treasurer, National Criminal Justice Section;  
Kevin Kindred, Branch Section Chair, Sexual Orientation and  
Gender Identity Conference.

*White Ribbon Against Pornography:*

Judy Nuttall, Coordinator, Affiliated with Citizens Addressing  
Sexual Exploitation.

*Canadian Resource Centre for Victims of Crime:*

Steve Sullivan, President.

*Justice for Children and Youth:*

Martha Mackinnon, Executive Director;  
Emily Chan, Lawyer.

*Canadian Council of Criminal Defence Lawyers:*

William M. Trudell, Chair.

*B.C. Civil Liberties Association:*

Jason Gratl, President;  
Christina Godlewska, Articled Student.

*Canadian Association of Elizabeth Fry Societies:*

Kim Pate, Executive Director.

*Age of Consent Committee:*

Andrew Brett, Member;  
Nicholas Dodds, Member.

*Institute of Marriage and Family Canada:*

Dave Quist, Executive Director.

*As Individuals:*

Daphne Gilbert, Professor, Faculty of Law, Common Law Section,  
University of Ottawa.

Lynn Barr-Telford made a statement and, with Karen Mihorean, answered questions.

Martha Mackinnon made a statement and, with Emily Chan, answered questions.

Jason Gratl made a statement and, with Christina Godlewska, answered questions.

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Diane Diotte  
Clerk of the Committee



**Français** Close

## MINUTES OF PROCEEDINGS

Meeting No. 59

Thursday, March 29, 2007

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Patrick Brown, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Associate Members present:* Garry Breitkreuz.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: As an individual:* Paul Gillespie, Consultant. *Canadian Centre for Justice Statistics:* Lynn Barr-Telford, Director, Statistics Canada; Karen Mihorean, Assistant Director, Statistics Canada. *Canadian Bar Association:* Tamra L. Thomson, Director, Legislation and Law Reform; Margaret Gallagher, Treasurer, National Criminal Justice Section; Kevin Kindred, Branch Section Chair, Sexual Orientation and Gender Identity Conference. *White Ribbon Against Pornography:* Judy Nuttall, Coordinator, Affiliated with Citizens Addressing Sexual Exploitation. *Canadian Resource Centre for Victims of Crime:* Steve Sullivan, President. *Justice for Children and Youth:* Martha Mackinnon, Executive Director; Emily Chan, Lawyer. *Canadian Council of Criminal Defence Lawyers:* William M. Trudell, Chair. *B.C. Civil Liberties Association:* Jason Gratl, President; Christina Godlewska, Articled Student. *Canadian Association of Elizabeth Fry Societies:* Kim Pate, Executive Director. *Age of Consent Committee:* Andrew Brett, Member; Nicholas Dodds, Member. *Institute of Marriage and Family Canada:* Dave Quist, Executive Director. *As an individual:* Daphne Gilbert, Professor, Faculty of Law, Common Law Section, University of Ottawa.

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

Paul Gillespie made a statement and answered questions.

Lynn Barr-Telford made a statement and, with Karen Mihorean, answered questions.

Tamra L. Thomson, Margaret Gallagher and Kevin Kindred each made a statement and answered questions.

Judy Nuttall made a statement and answered questions.

Steve Sullivan made a statement and answered questions.

Martha Mackinnon made a statement and, with Emily Chan, answered questions.

At 11:15 a.m., the sitting was suspended.



At 12:00 p.m., the sitting resumed.

William M. Trudell made a statement and answered questions.

Jason Gratl made a statement and, with Christina Godlewska, answered questions.

Kim Pate made a statement and answered questions.

Andrew Brett and Nicholas Dodds each made a statement and answered questions.

Dave Quist made a statement and answered questions.

Daphne Gilbert made a statement and answered questions.

At 1:54 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/03/30 3:40 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 60**

**Tuesday, April 17, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Harold Albrecht for Myron Thompson,  
and Joy Smith for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Joann Garbig, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

Carole Morency, Acting General Counsel.

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Carmen DePape  
Committee Clerk

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 60

Tuesday, April 17, 2007

The Standing Committee on Justice and Human Rights met at 9:04 a.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Harold Albrecht for Myron Thompson and Joy Smith for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; *Dominique Valiquet, Analyst. House of Commons:* Joann Garbig, Legislative Clerk.

*Witnesses: Department of Justice:* Carole Morency, Acting General Counsel.

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

The witness answered questions.

By unanimous consent, Clause 1 was allowed to stand.

On new Clause 1.1

Marlene Jennings moved, — That Bill C-22 be amended by adding after line 5 on page 3 the following new clause:

“1.1 Section 159 of the Act is repealed.”

Debate arose thereon.

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Marlene Jennings appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Harold Albrecht, Larry Bagnell, Rick Dykstra, Derek Lee, Rob Moore, Daniel Petit — 6; NAYS: Joe Comartin, Carole Freeman, Marlene Jennings, Réal Ménard, Brian

Murphy — 5.

Joe Comartin moved, — That Bill C-22 be amended by adding after line 5 on page 3 the following new clause:

“1.1 Paragraph 159(2)(b) of the Act is replaced by the following:

(b) any two persons, each of whom is sixteen years of age or more,”

Debate arose thereon.

The Chair ruled the proposed amendment inadmissible because it sought to amend sections of the parent Act not amended by the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Joe Comartin appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Harold Albrecht, Larry Bagnell, Rick Dykstra, Derek Lee, Rob Moore, Daniel Petit — 6; NAYS: Joe Comartin, Carole Freeman, Marlene Jennings, Réal Ménard, Brian Murphy — 5.

By unanimous consent, the Committee reverted to Clause 1 previously stood.

Joe Comartin moved, — That Bill C-22, in Clause 1, be amended by replacing lines 23 and 24 on page 2 with the following:

“matter of the charge if, on the day on which the alleged offence took place,”

Debate arose thereon.

Réal Ménard moved, — That the sitting be suspended for a period of five minutes.

The question was put on the motion and it was agreed to, by a show of hands: YEAS: 5; NAYS: 4.

At 10:36 a.m., the sitting was suspended.

At 10:44 a.m., the sitting resumed.

The Committee resumed consideration of the amendment of Joe Comartin, — That Bill C-22, in Clause 1, be amended by replacing lines 23 and 24 on page 2 with the following:

“matter of the charge if, on the day on which the alleged offence took place,”

By unanimous consent, Clause 1 was allowed to stand.

Clause 2 carried.

Clause 3 carried.

On new Clause 3.1,



Joe Comartin moved, — That Bill C-22 be amended by adding after line 33 on page 3 the following new clause:

“CANADA EVIDENCE ACT

3.1 The *Canada Evidence Act* is amended by adding the following after section 4:

4.1 (1) Notwithstanding section 4, no person who is the victim of an alleged offence under the *Criminal Code* may be compelled to testify in respect of the circumstances of the alleged offence.

(2) Any evidence that is derived from any statement of a person referred to in subsection (1) in respect of the circumstances of an alleged offence is not admissible in a prosecution for that offence without the consent of that person.”

The Chair ruled the proposed amendment inadmissible because it sought to amend a statute that was not before the Committee, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Joe Comartin appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was sustained on the following recorded division: YEAS: Rick Dykstra, Derek Lee, Rob Moore, Daniel Petit, Joy Smith — 5; NAYS: Larry Bagnell, Joe Comartin, Carole Freeman, Réal Ménard — 4.

Clause 4 carried.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Carmen DePape  
Committee Clerk

2007/04/19 9:33 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 61**

**Wednesday, April 18, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Serge Ménard for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*As Individuals:*

Right Hon. Antonio Lamer, former Chief Justice, Supreme Court  
of Canada;

Jacob S. Ziegel, Professor Emeritus of Law, University of Toronto.

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Diane Diotte  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 61

Wednesday, April 18, 2007

The Standing Committee on Justice and Human Rights met in a video recorded session at 3:33 p.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Serge Ménard for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: As individuals:* Right Hon. Antonio Lamer, former Chief Justice, Supreme Court of Canada; Jacob S. Ziegel, Professor Emeritus of Law, University of Toronto.

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

Antonio Lamer made a statement and answered questions.

Jacob Ziegel made a statement and answered questions.

At 5:31 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/04/19 1:45 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 62**

**Thursday, April 19, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Jean-Claude D'Amours for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

Joann Garbig, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

Carole Morency, Acting General Counsel.

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Diane Diotte  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 62

Thursday, April 19, 2007

The Standing Committee on Justice and Human Rights met at 9:15 a.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* Jean-Claude D'Amours for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Joann Garbig, Legislative Clerk.

*Witnesses: Department of Justice:* Carole Morency, Acting General Counsel.

Pursuant to the Order of Reference of Monday, October 30, 2006, the Committee resumed consideration of Bill C-22, An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act.

The Committee resumed its clause-by-clause study of the Bill.

Carole Morency answered questions.

The Committee resumed consideration of Clause 1 and the amendment of Joe Comartin, — That Bill C-22, in Clause 1, be amended by replacing lines 23 and 24 on page 2 with the following:

“matter of the charge if, on the day on which the alleged offence took place,”

By unanimous consent, the amendment was withdrawn.

Joe Comartin moved, — That Bill C-22, in Clause 1, be amended by replacing lines 12 and 13 on page 2 with the following:

“complainant; or

(b) the accused is married to the complainant; or

(c) the accused

(i) is the common-law partner of the complainant, or has been cohabiting with the complainant in a conjugal relationship for a period of less than one year and they have had or are expecting to have a child as a result of the relationship, and

(d) is not in a position of trust or authority”

Debate arose thereon.

At 10:22 a.m., the sitting was suspended.

At 10:29 a.m., the sitting resumed.

By unanimous consent, Carole Freeman moved, — That the amendment be amended to read as follows:

That Bill C-22, in Clause 1, be amended by replacing lines 10 to 18 on page 2 with the following:

“the subject-matter of the charge if

(a) the accused

(i) is less than five years older than the complainant; and

(ii) is not in a position of trust or authority towards the complainant, is not a person with whom the complainant is in a relationship of dependency and is not in a relationship with the complainant that is exploitative of the complainant; or

(b) the accused is married to the complainant.”

The question was put on the subamendment of Carole Freeman and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7; NAYS: Rick Dykstra, Rob Moore, Daniel Petit, Myron Thompson — 4.

The question was put on the amendment of Joe Comartin, as amended, and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Joe Comartin, Carole Freeman, Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy — 7; NAYS: Rick Dykstra, Rob Moore, Daniel Petit, Myron Thompson — 4.

Larry Bagnell moved, — That Bill C-22, in Clause 1, be amended by replacing line 28 on page 2 with the following:

“(i) has been legally engaged in a sexual relationship with the complainant, is the common-law partner of the”

Debate arose thereon.

By unanimous consent, the amendment was withdrawn.

Clause 1, as amended, carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.



ORDERED, — That Bill C-22, as amended, be reprinted for the use of the House at report stage.

At 10:58 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/04/23 9:24 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 63**

**Tuesday, April 24, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2007-2008: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Tuesday, February 27, 2007.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

John Sims, Deputy Minister and Deputy Attorney General.

*Office of the Director of Public Prosecutions:*

Brian Saunders, Acting Director of Public Prosecutions.

The minister made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee

**Français** Close

## MINUTES OF PROCEEDINGS

Meeting No. 63

Tuesday, April 24, 2007

The Standing Committee on Justice and Human Rights met in a televised session at 9:02 a.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* John Sims, Deputy Minister and Deputy Attorney General. *Office of the Director of Public Prosecutions:* Brian Saunders, Acting Director of Public Prosecutions.

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2007-2008: Votes 1, 5, 10, 15, 20, 25, 30, 35 and 50 under JUSTICE, referred to the Committee on Tuesday, February 27, 2007.

The minister made a statement and, with the other witnesses, answered questions.

At 11:01 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/04/24 11:46 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 64**

**Thursday, April 26, 2007**

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IN CAMERA



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## MINUTES OF PROCEEDINGS

Meeting No. 64

Thursday, April 26, 2007

The Standing Committee on Justice and Human Rights met *in camera* at 9:08 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

The Committee gave drafting instructions to the analysts for a report.

The following notice of motion was read - Whereas respect for the French language should imbue all ministers and departments of the federal government;

Whereas the Minister of Justice has at least twice made strategic appointments of persons who are unilingual English;

Be it resolved that, through the Chairman, the Committee write to the Minister of Justice to ask him not to make appointments of persons who do not have a working knowledge of French at the time of their appointment to strategic positions.

At 10:51 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/04/26 4:12 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 65**

**Wednesday, May 2, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Yvon Godin for Joe Comartin,  
John Maloney for Hon. Marlene Jennings,  
Richard Nadeau for Carole Freeman,  
and Rick Norlock for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*  
Anouk Desaulniers, Senior Counsel, Criminal Law Policy Section;  
Marc Tremblay, General Counsel and Director, Official Languages  
Law Group.

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Diane Diotte  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 65

Wednesday, May 2, 2007

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Yvon Godin for Joe Comartin, John Maloney for Hon. Marlene Jennings, Richard Nadeau for Carole Freeman and Rick Norlock for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* Anouk Desaulniers, Senior Counsel, Criminal Law Policy Section; Marc Tremblay, General Counsel and Director, Official Languages Law Group.

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee commenced consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

At 4:53 p.m., the sitting was suspended.

At 4:55 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Twelfth Report from the Subcommittee on Agenda and Procedure.

It was agreed, — That the Committee start the review of the draft report on the judicial appointment process on Tuesday May 8th and continue on Thursday May 10.

That the Committee proceed to the clause by clause study of Bill C-23 on Thursday, May 10th, if possible, or if not, on Tuesday, May 15th.

That the Committee hold a meeting to study the Main Estimates in relation to the Office of the Director of Public Prosecutions on Thursday, May 17th.

That the Committee commence the study of Bill C-32 on Wednesday, May 30th and that the minister of Justice be invited to appear on that date.

That the Committee consider the motion from Mr. Ménard on the subject of Organized Crime on Thursday, May 3rd.

At 5:13 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/03 2:24 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 66**

**Thursday, May 3, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

Pursuant to Standing Order 108(2), the Committee resumed its study of the motion of Réal Ménard (gangsterism).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Hon. Roy Cullen for Brian Murphy.

**IN ATTENDANCE:**



*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Office of the Commissioner of Official Languages:*

Graham Fraser, Commissioner of Official Languages;  
Johane Tremblay, Director, Legal Affairs Branch.

*Federation of Associations of French-speaking Jurists of Common Law Inc.:*

Louise Aucoin, President.

*Fédération des communautés francophones et acadienne du Canada:*

Diane Côté, Director, Community and Government Liaison.

*Department of Justice Canada:*

William Bartlett, Senior Counsel, Criminal Law Policy Section.

*Department of Justice:*

Matthew Taylor, Counsel, Criminal Law Policy Section.

Graham Fraser made a statement and, with the other witnesses, answered questions.

Louise Aucoin made a statement and, with Diane Côté, answered questions.

William Bartlett made a statement and, with the other witness from the Department of Justice, answered questions.

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Diane Diotte  
Clerk of the Committee

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Close

## MINUTES OF PROCEEDINGS

Meeting No. 66

Thursday, May 3, 2007

The Standing Committee on Justice and Human Rights met at 9:09 a.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Hon. Roy Cullen for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Office of the Commissioner of Official Languages:* Graham Fraser, Commissioner of Official Languages; Johane Tremblay, Director, Legal Affairs Branch. *Federation of Associations of French-speaking Jurists of Common Law Inc.:* Louise Aucoin, President. *Fédération des communautés francophones et acadienne du Canada:* Diane Côté, Director, Community and Government Liaison. *Department of Justice Canada:* William Bartlett, Senior Counsel, Criminal Law Policy Section. *Department of Justice:* Matthew Taylor, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

Graham Fraser made a statement and, with the other witnesses, answered questions.

Louise Aucoin made a statement and, with Diane Côté, answered questions.

At 10:16 a.m., the sitting was suspended.

At 10:24 a.m., the sitting resumed.

Pursuant to Standing Order 108(2), the Committee resumed its study of the motion of Réal Ménard (gangsterism).

That the government consider the advisability of:

- a) amending the definition of "criminal organization" in section 467.1 of the Criminal Code to include the commission of offences involving gratuitous violence (e.g.: drive-by shootings) that yield no material benefit for the said organization, as defined in section 467.1.
- b) amending the Criminal Code to make warrants authorizing the use of a GPS system to monitor the movements of a motor vehicle (s. 487.01) valid for the same period as warrants for electronic surveillance; namely, one year.
- c) making available to the provincial attorneys general sufficient funds over three years to help train

Crown prosecutors specializing in combating street gangs.

d) implementing a highly secure web site accessible exclusively by police officers; federal, provincial and territorial justice ministers; and Crown attorneys, with links to the following:

i) the decisions of all Canadian courts pertaining to the fight against organized crime and street gangs; and

ii) all evidence used by the defence and Crown in cases in which charges were laid under sections 467.1, 467.11, 467.12 and 467.13 of the Criminal Code;

and that this secure web site be accessible only by police officers; federal, provincial and territorial justice ministers; and Crown attorneys.

That the Chair of the Committee report the adoption of this motion to the House of Commons as soon as possible.

William Bartlett made a statement and, with the other witness from the Department of Justice, answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/07 3:56 p.m.

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 67**

**Tuesday, May 8, 2007**

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IN CAMERA





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## MINUTES OF PROCEEDINGS

Meeting No. 67

Tuesday, May 8, 2007

The Standing Committee on Justice and Human Rights met *in camera* at 9:07 a.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

The Committee commenced consideration of a draft report.

At 10:55 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/08 11:52 a.m.

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HOUSE OF COMMONS OF CANADA  
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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 68**

**Thursday, May 10, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Rick Dykstra,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

André Bellavance for Carole Freeman,  
and Mike Lake for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 68

Thursday, May 10, 2007

The Standing Committee on Justice and Human Rights met *in camera* at 9:04 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Rick Dykstra, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Acting Members present:* André Bellavance for Carole Freeman and Mike Lake for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

The Committee resumed consideration of a draft report.

It was agreed, — That the Committee append to its report a dissenting opinion from the members of the Conservative Party provided that it is no more than 8 pages in length and submitted electronically to the Clerk of the Committee, in both official languages, no later than Wednesday, May 16, 2007.

At 10:46 a.m., the sitting was suspended.

At 10:47 a.m., the sitting resumed in public.

The Committee proceeded to the consideration of matters related to Committee business.

Réal Ménard moved, — 1) That the Standing Committee on Justice devote a sitting to analysis of the problem of pirating of films in Canada, and that representatives of the industry and of the Department of Justice be invited to appear before the Committee; and

2) That this sitting be held no later than the Committee's last sitting in June.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 8; NAYS: 1.

Réal Ménard moved, — That, through the Chairman, the Committee write to the Minister of Justice to ask him not to make appointments of persons who do not have a working knowledge of French at the time of their appointment to strategic positions.

Debate arose thereon.

At 11:01 a.m., the Committee adjourned to the call of the Chair.



Diane Diotte  
Clerk of the Committee

2007/05/10 1:57 p.m.

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 69**

**Tuesday, May 15, 2007**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman,  
and Alan Tonks for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Department of Justice:*

Marc Tremblay, General Counsel and Director, Official Languages  
Law Group;  
Anouk Desaulniers, Senior Counsel, Criminal Law Policy Section.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 69

Tuesday, May 15, 2007

The Standing Committee on Justice and Human Rights met at 9:05 a.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Marc Lemay for Carole Freeman and Alan Tonks for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Department of Justice:* Marc Tremblay, General Counsel and Director, Official Languages Law Group; Anouk Desaulniers, Senior Counsel, Criminal Law Policy Section.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee resumed consideration of the motion of Réal Ménard, — Whereas respect for the French language should imbue all ministers and department of the federal government;

Whereas the Minister of Justice has at least twice made strategic appointments of persons who are unilingual English;

Be it resolved that, through the Chairman, the Committee write to the Minister of Justice to ask him not to make appointments of persons who do not have a working knowledge of French at the time of their appointment to strategic positions.

The debate continued.

Marlene Jennings moved, — That the motion be amended by adding the word “, as defined under the Official Languages Act” after the word “positions”.

The question was put on the amendment of Marlene Jennings and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Joe Comartin, Marlene Jennings, Derek Lee, Marc Lemay, Réal Ménard, Rob Moore, Daniel Petit, Alan Tonks — 9; NAYS: Rick Dykstra, Myron Thompson — 2.

Derek Lee moved, — That the motion be amended by deleting the words “the French language” after the words “respect for” and replacing it by the words “both official languages”.

After debate, the question was put on the amendment of Derek Lee and it was agreed to, by a show of hands: YEAS: 6; NAYS: 4.

The question was put on the motion, as amended, and it was agreed to on the following recorded division: YEAS: Larry Bagnell, Joe Comartin, Marlene Jennings, Derek Lee, Marc Lemay, Réal Ménard, Daniel Petit, Alan Tonks — 8; NAYS: Rick Dykstra, Rob Moore, Myron Thompson — 3.

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

The Committee commenced its clause-by-clause study of the Bill.

The witnesses made statements and answered questions.

The Chair called Clause 1.

After debate, Clause 1 carried.

Clause 2 carried.

Clause 3 carried.

Clause 4 carried.

By unanimous consent, Clauses 5 to 11 inclusive carried.

On new Clause 11.1,

Réal Ménard proposed to move, — That Bill C-23 be amended by adding after line 35 on page 5 the following new clause:

“11.1 Subsection 487.01(4) of the Act is replaced by the following:

(4) A warrant issued under subsection (1) that authorizes a peace officer to observe, by means of a television camera, a global positioning system or other similar electronic device, any person who is engaged in activity in circumstances in which the person has a reasonable expectation of privacy shall contain such terms and conditions as the judge considers advisable to ensure that the privacy of the person or of any other person is respected as much as possible.”

The Chair ruled the proposed amendment inadmissible because it sought to amend a statute not mentioned in the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Whereupon, Réal Ménard appealed the decision of the Chair.

The question: "Shall the decision of the Chair be sustained?" was put and the decision was overturned, by a show of hands: YEAS: 3; NAYS: 5.

Larry Bagnell moved, — That the amendment be amended by replacing the words “subsection 487.01 (4)” with the words “subsection 492.1(1)”.

Debate arose thereon.

By unanimous consent, the subamendment was withdrawn.

By unanimous consent, the amendment was withdrawn.



Clause 12 carried.

By unanimous consent, Clauses 13 to 17 inclusive carried.

On Clause 18,

Larry Bagnell moved, — That Bill C-23, in Clause 18, be amended by replacing line 19 on page 7 with the following:

“those official languages are different may constitute”

After debate, the question was put on the amendment of Larry Bagnell and it was agreed to.

Clause 18, as amended, carried.

On Clause 19,

Larry Bagnell moved, — That Bill C-23, in Clause 19, be amended by replacing lines 27 to 42 on page 7 with the following:

“530.01 (1) If an accused has been granted an order under section 530, a prosecutor — other than a private prosecutor — shall

(a) cause any portion of an information or indictment against the accused that is in an official language that is not that of the accused or that in which the accused can best give testimony to be automatically translated into the other official language; and

(b) provide the accused with a written copy of the translated text at the earliest possible time.

(2) The original version of a document and the translated text are of equal value.”

Debate arose thereon.

Réal Ménard moved, — That the amendment be amended by deleting the words “(2) The original version of a document and the translated text are of equal value.”

After debate, the question was put on the subamendment of Réal Ménard and it was agreed to, by a show of hands: YEAS: 6; NAYS: 3.

After debate, the question was put on the amendment of Larry Bagnell, as amended, and it was negatived, by a show of hands: YEAS: 5; NAYS: 6.

Clause 19 carried on division.

On Clause 20,

Larry Bagnell moved, — That Bill C-23, in Clause 20, be amended by replacing line 8 on page 8 with the following:

“(c.1) the presiding justice or judge may, if the circumstances warrant,”

After debate, the question was put on the amendment of Larry Bagnell and it was agreed to.

Larry Bagnell moved, — That Bill C-23, in Clause 20, be amended

(a) by replacing line 17 on page 8 with the following:

“both official languages, as the case may be, and the justice shall use the official language of the accused when addressing the accused;”

(b) by replacing line 22 on page 8 with the following:

“may be, and the prosecutor shall use the official language of the accused when addressing the accused;”

After debate, by unanimous consent, the amendment was withdrawn.

Clause 20, as amended, carried.

On Clause 21,

Larry Bagnell moved, — That Bill C-23, in Clause 21, be amended by adding after line 33 on page 8 the following:

“(2) Any order granted under this section shall, to the extent possible, respect the right of the accused to be tried in his or her official language.”

After debate, the question was put on the amendment of Larry Bagnell and it was agreed to.

Joe Comartin moved, — That Bill C-23, in Clause 21, be amended by replacing line 39 on page 8 with the following:

“would otherwise be tried, the court shall, except if that territorial division is in the Province of New Brunswick, order”

After debate, the question was put on the amendment of Joe Comartin and it was agreed to.

Clause 21, as amended, carried.

Clause 22 carried.

On Clause 23,

Rob Moore moved, — That Bill C-23, in Clause 23, be amended by

(a) replacing line 8 on page 9 with the following:

“23. Subsections 565(2) and (3) of the Act are re-”

(b) replacing lines 21 to 23 on page 9 with the following:

“(3) Where an accused wishes to re-elect under subsection (2), the accused shall give notice in writing that he wishes to re-elect to a judge or clerk of the court where the indictment has been filed or preferred who shall, on receipt of the notice, notify a judge having jurisdiction or clerk of the court by which the accused wishes to be tried of the accused’s intention to re-elect and send to that judge or clerk the indictment and any promise to appear, undertaking or recognizance given or entered into in accordance with Part XVI, any summons or warrant issued under section 578, or any evidence taken before a coroner, that is in the possession of the first-mentioned judge or clerk.”

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 23, as amended, carried.

At 10:59 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/18 11:24 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.


**Meeting No. 70**

**Wednesday, May 16, 2007**

IN CAMERA





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## MINUTES OF PROCEEDINGS

Meeting No. 70

Wednesday, May 16, 2007

The Standing Committee on Justice and Human Rights met *in camera* at 4:33 p.m. this day, in Room 536, Wellington Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* France Bonsant for Carole Freeman and Laurie Hawn for Rick Dykstra.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the Thirteenth Report from the Subcommittee on Agenda and Procedure.

It was agreed - That the Committee meet from 4:30 p.m. to 5:30 p.m. on Wednesday, May 16, 2007, to study the draft report concerning judicial appointment process.

It was agreed - That the Committee meet on Thursday, May 31st, 2007 to continue clause by clause study of Bill C-23.

It was agreed - That the Committee invite witnesses in relation to the study of Bill C-32 to appear on June 5, June 7 and June 12th, 2007.

It was agreed on division, - That the Committee hold a meeting to consider the motion from Mr. Ménard on the subject of Pirating of films on Thursday, June 14, 2007.

It was agreed on division, - That the Committee commence the study of the Private Members bills starting with Bill S-211 in June 2007.

Pursuant to Standing Order 108(2), the Committee resumed its study of the Judicial Appointment Process.

It was agreed, — That, notwithstanding the motion adopted on Thursday, May 10, 2007, the Committee append to its report any dissenting opinion submitted to the Clerk of the Committee, no later than Friday, May 18, 2007 by 5:00 p.m.

It was agreed, — That the report be entitled: “Preserving Independence in the Judicial Appointment System”.

It was agreed, — That the draft report , as amended, be adopted.

It was agreed, — That the Chair, the Clerk and the analysts be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Chair present the report to the House.

At 5:35 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/17 2:23 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 71**

**Thursday, May 17, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(4), the Committee commenced consideration of the Main Estimates 2007-2008: Vote 35 under JUSTICE (Office of the Director of Public Prosecutions) referred to the Committee on Tuesday, February 27, 2007.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Rick Dykstra,  
Art Hanger,  
Hon. Marlene Jennings,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Hon. Dominic LeBlanc for Brian Murphy,  
Marc Lemay for Carole Freeman,  
and Yasmin Ratansi for Derek Lee.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Office of the Director of Public Prosecutions:*

Brian Saunders, Acting Director of Public Prosecutions;  
Chantal Proulx, Acting Deputy Director of Public Prosecutions;  
Marc Fortin, General Counsel and Director, Corporate Services  
Division.

Brian Saunders made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee



**Français** [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 71

Thursday, May 17, 2007

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Rick Dykstra, Art Hanger, Hon. Marlene Jennings, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Hon. Dominic LeBlanc for Brian Murphy, Marc Lemay for Carole Freeman and Yasmin Ratansi for Derek Lee.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Office of the Director of Public Prosecutions:* Brian Saunders, Acting Director of Public Prosecutions; Chantal Proulx, Acting Deputy Director of Public Prosecutions; Marc Fortin, General Counsel and Director, Corporate Services Division.

Pursuant to Standing Order 81(4), the Committee resumed consideration of the Main Estimates 2007-2008: Vote 35 under JUSTICE (Office of the Director of Public Prosecutions) referred to the Committee on Tuesday, February 27, 2007.

Brian Saunders made a statement and, with the other witnesses, answered questions.

At 10:14 a.m., the sitting was suspended.

At 10:16 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

Marlene Jennings moved, — Whereas public concerns have been raised with regards to section 462.34 (4) of the Criminal Code (Application for review of special warrants and restraint orders);

Whereas section 462.34 can by judicial order allow alleged criminals to pay their lawyers out of money seized from them by police;

Whereas this practice is not regulated by clear criteria;

Whereas there has been little public scrutiny of this practice.

It is therefore proposed that:

1. The House of Commons Standing Committee of Justice and Human Rights study section 462.34 of the Criminal Code and its application, this after its study of Bill C-23 comes to a close;
2. That the Committee dedicate at least one (1) session to this study;

3. That the Chair of the Committee report its findings to the House.

After debate, the question was put on the motion and it was agreed to.

At 10:21 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/17 3:02 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 72**

**Wednesday, May 30, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy,  
Daniel Petit  
and Myron Thompson.

**ASSOCIATE MEMBERS PRESENT:**

Randy Kamp.

**IN ATTENDANCE:**

*Library of Parliament:*

Laura Barnett, Analyst;  
Robin MacKay, Analyst.

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice Canada:*

Greg Yost, Counsel, Criminal Law Policy Section.

*Royal Canadian Mounted Police:*

Evan Graham, National Coordinator, Drug Evaluation and  
Classification Program.

The minister made a statement and, with the other witnesses, answered questions.

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Diane Diotte  
Clerk of the Committee

Français

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 72

Wednesday, May 30, 2007

The Standing Committee on Justice and Human Rights met at 3:43 p.m. this day, in Room 705, La Promenade Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit and Myron Thompson.

*Associate Members present:* Randy Kamp.

*In attendance: Library of Parliament:* Laura Barnett, Analyst; Robin MacKay, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice Canada:* Greg Yost, Counsel, Criminal Law Policy Section. *Royal Canadian Mounted Police:* Evan Graham, National Coordinator, Drug Evaluation and Classification Program.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee commenced consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The minister made a statement and, with the other witnesses, answered questions.

At 5:32 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/05/31 10:34 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Vice-Chair: Derek Lee.

**Meeting No. 73**

**Thursday, May 31, 2007**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

**MEMBERS OF THE COMMITTEE PRESENT:**

Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Ken Boshcoff for Hon. Larry Bagnell,  
and Hon. Dominic LeBlanc for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

Anouk Desaulniers, Senior Counsel, Criminal Law Policy Section;  
Renée Soublière, Senior Counsel and Litigation Coordinator.

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Diane Diotte  
Clerk of the Committee

Français

[Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 73

Thursday, May 31, 2007

The Standing Committee on Justice and Human Rights met *in camera* at 9:05 a.m. this day, in Room 209, West Block, the Vice-Chair, Derek Lee, presiding.

*Members of the Committee present:* Joe Comartin, Rick Dykstra, Carole Freeman, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Ken Boshcoff for Hon. Larry Bagnell and Hon. Dominic LeBlanc for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* Anouk Desaulniers, Senior Counsel, Criminal Law Policy Section; Renée Soublière, Senior Counsel and Litigation Coordinator.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Standing Committee on Justice and Human Rights be granted an operational budget of \$38,850 for its study of Bill C-32.

It was agreed, — That the following witnesses: The Alcohol Test Committee and the Drugs and Driving Committee of the Canadian Society of Forensic Science both be invited to appear in relation to Bill C-32.

It was agreed, — That the Canadian Council of Criminal Defence Lawyers be added to the list of witnesses for the study of Bill C-32.

At 9:15 a.m., the sitting was suspended.

At 9:20 a.m., the sitting resumed in public.

Pursuant to the Order of Reference of Monday, October 16, 2006, the Committee resumed consideration of Bill C-23, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

The Committee resumed its clause-by-clause study of the Bill.

The witnesses made statements and answered questions.

On Clause 24,

Rob Moore moved, — That Bill C-23, in Clause 24, be amended by

(a) replacing, in the English version, line 29 on page 9 with the following:

“judge, as the case may be, the Attorney General may require the”

(b) replacing line 38 on page 9 with the following:

“has already been held or the re-election was made under subsection 565(2).”

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 24, as amended, carried.

On new Clause 24.1,

Rob Moore moved, — That Bill C-23 be amended by adding after line 38 on page 9 the following new clause:

“24.1 Subsection 569(1) of the Act is replaced by the following:

569. (1) Even if an accused elects under section 536.1 or re-elects under section 561.1 or subsection 565(2) to be tried by a judge without a jury, the Attorney General may require the accused to be tried by a court composed of a judge and jury unless the alleged offence is one that is punishable with imprisonment for five years or less. If the Attorney General so requires, a judge has no jurisdiction to try the accused under this Part and a preliminary inquiry must be held if requested under subsection 536.1(3), unless one has already been held or the re-election was made under subsection 565(2).”

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

Clause 25 carried.

By unanimous consent, Clauses 26 to 36 inclusive carried.

On Clause 37,

Rob Moore moved, — That Bill C-23, in Clause 37, be amended by replacing line 8 on page 14 with the following:

“subsections 732.2(3) and (5); and”

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 37, as amended, carried.

On Clause 38,

Rob Moore moved, — That Bill C-23, in Clause 38, be amended by replacing, in the French version, line 34 on page 14 with the following:

“b) la période d’emprisonnement maximale que le”



After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 38, as amended, carried.

On Clause 39,

Rob Moore moved, — That Bill C-23, in Clause 39, be amended by replacing line 8 on page 15 with the following:

“conditions and of any available fine option programs referred to in section 736 as well as the procedure to apply for admission to them; and”

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 39, as amended, carried.

By unanimous consent, Clauses 40 to 43 inclusive carried.

On Clause 44,

Joe Comartin moved, — That Bill C-23, in Clause 44, be amended by replacing line 4 on page 17 with the following:

“a fine of not more than five thousand dollars or”

After debate, the question was put on the amendment of Joe Comartin and it was agreed to.

Clause 44, as amended, carried.

Clause 45 carried.

On new Clause 45.1,

Rob Moore moved, — That Bill C-23 be amended by adding after line 30 on page 17 the following new clause:

“45.1 Form 12 of the Act is replaced by the following:

FORM 12

(Sections 493 and 679)

UNDERTAKING GIVEN TO A JUSTICE OR A JUDGE

Canada,

Province of .....,

(*territorial division*).

I, A.B., of ....., (*occupation*), understand that I have been charged that (*set out briefly the offence in respect of which accused is charged*).

In order that I may be released from custody, I undertake to attend court on ..... day, the ..... day of ..... A.D. ...., and to attend after that as required by the court in order to be dealt with according to law (*or, where date and place of appearance before court are not known at the time undertaking is given, to attend at the time and place fixed by the court and after that as required by the court in order to be dealt with according to law*).

(*and, where applicable*)

I also undertake to (*insert any conditions that are directed*)

(a) report at (*state times*) to (*name of peace officer or other person designated*);

(b) remain within (*designated territorial jurisdiction*);

(c) notify (*name of peace officer or other person designated*) of any change in my address, employment or occupation;

(d) abstain from communicating, directly or indirectly, with (*identification of victim, witness or other person*) except in accordance with the following conditions: (*as the justice or judge specifies*);

(e) deposit my passport (*as the justice or judge directs*); and

(f) (*any other reasonable conditions*).

I understand that failure without lawful excuse to attend court in accordance with this undertaking is an offence under subsection 145(2) of the *Criminal Code*.

Subsections 145(2) and (3) of the *Criminal Code* state as follows:

“(2) Every one who,

(a) being at large on his undertaking or recognizance given to or entered into before a justice or judge, fails, without lawful excuse, the proof of which lies on him, to attend court in accordance with the undertaking or recognizance, or

(b) having appeared before a court, justice or judge, fails, without lawful excuse, the proof of which lies on him, to attend court as thereafter required by the court, justice or judge,

or to surrender himself in accordance with an order of the court, justice or judge, as the case may be, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years or is guilty of an offence punishable on summary conviction.

(3) Every person who is at large on an undertaking or recognizance given to or entered into before a justice or judge and is bound to comply with a condition of that undertaking or recognizance, and every person who is bound to comply with a direction under subsection 515(12) or 522(2.1) or an order under subsection 516(2), and who fails, without lawful excuse, the proof of which lies on them, to comply with the condition, direction or order is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.”

Dated this ..... day of ..... A.D. ...., at .....

.....

(Signature of accused)”

After debate, the question was put on the amendment of Rob Moore and it was agreed to on division.

On new Clause 45.2,

Rob Moore moved, — That Bill C-23 be amended by adding after line 30 on page 17 the following new clause:

“CONSEQUENTIAL AMENDMENT TO THE PRISONS AND REFORMATORIES ACT

45.2 Subsection 6(7.1) of the *Prisons and Reformatories Act* is replaced by the following:

(7.1) When a prisoner is transferred from a youth custody facility to a prison under section 89, 92 or 93 of the *Youth Criminal Justice Act*, the prisoner is credited with full remission under this section for the portion of the sentence that the offender served in the youth custody facility as if that portion of the sentence had been served in a prison.”

The Chair ruled the proposed amendment inadmissible because it sought to amend a statute not mentioned in the Bill, as provided on page 654 of House of Commons Procedure and Practice.

Clause 46 carried.

The Title carried.

The Bill, as amended, carried on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-23, as amended, be reprinted for the use of the House at report stage.

At 10:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/06/01 11:54 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 74**

**Tuesday, June 5, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Robert Carrier for Carole Freeman,  
and Robert Carrier for Réal Ménard.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;



Laura Barnett, Analyst.

**WITNESSES:**

*Barreau du Québec:*

Louis Belleau, Lawyer, President of the Committee on Criminal  
Law of the Barreau du Québec;  
Nicole Dufour, Lawyer, Research and Legislation Service.

*Canada Safety Council:*

Ethel Archard, Consultant;  
Raynald Marchand, General Manager of Programs;  
Emile J. Therien, Past President.

*As an Individual:*

Line Beauchesne, Associate Professor, Department of  
Criminology, University of Ottawa.

*Criminal Lawyers' Association:*

Paul Burstein, Director;  
Jonathan Rosenthal, Representative.

Nicole Dufour made a statement and, with the other witness from the Barreau du Québec, answered questions.

Emile J. Therien made a statement and, with the other witnesses from the Canada Safety Council, answered questions.

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Diane Diotte  
Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 74

Tuesday, June 5, 2007

The Standing Committee on Justice and Human Rights met at 9:01 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Daniel Petit and Myron Thompson.

*Acting Members present:* Robert Carrier for Carole Freeman and Robert Carrier for Réal Ménard.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Laura Barnett, Analyst.

*Witnesses: Barreau du Québec:* Louis Belleau, Lawyer, President of the Committee on Criminal Law of the Barreau du Québec; Nicole Dufour, Lawyer, Research and Legislation Service. *Canada Safety Council:* Ethel Archard, Consultant; Raynald Marchand, General Manager of Programs; Emile J. Therien, Past President. *As an individual:* Line Beauchesne, Associate Professor, Department of Criminology, University of Ottawa. *Criminal Lawyers' Association:* Paul Burstein, Director; Jonathan Rosenthal, Representative.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Nicole Dufour made a statement and, with the other witness from the Barreau du Québec, answered questions.

Emile J. Therien made a statement and, with the other witnesses from the Canada Safety Council, answered questions.

Line Beauchesne made a statement and answered questions.

Paul Burstein and Jonathan Rosenthal each made a statement and answered questions.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/06/05 2:52 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 75**

**Thursday, June 7, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Laura Barnett, Analyst.

**WITNESSES:**

*Mothers Against Drunk Driving:*

Margaret Miller, National President;  
Robert Solomon, Director, Legal Policy.

*Canadian Council of Criminal Defence Lawyers:*

Mark Brayford, Vice-Chair.

*B.C. Civil Liberties Association:*

Kirk Tousaw, Chair, Drug Policy Committee.

Robert Solomon made a statement and, with the other witness from Mothers Against Drunk Driving, answered questions.

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Diane Diotte  
Clerk of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 75

Thursday, June 7, 2007

The Standing Committee on Justice and Human Rights met at 9:00 a.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Laura Barnett, Analyst.

*Witnesses: Mothers Against Drunk Driving:* Margaret Miller, National President; Robert Solomon, Director, Legal Policy. *Canadian Council of Criminal Defence Lawyers:* Mark Brayford, Vice-Chair. *B.C. Civil Liberties Association:* Kirk Tousaw, Chair, Drug Policy Committee.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Robert Solomon made a statement and, with the other witness from Mothers Against Drunk Driving, answered questions.

Mark Brayford made a statement and answered questions.

Kirk Tousaw made a statement and answered questions.

At 10:47 a.m., the sitting was suspended.

At 10:48 a.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee hear more witnesses in relation to the study of Bill C-32 on Thursday, June 14, 2007.

It was agreed, — That, pursuant to Standing Order 97.1(1), the Committee present a report seeking an extension of thirty (30) sitting days in order to complete its consideration of Bill S-211, An Act to amend the Criminal Code (lottery schemes).

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/06/11 9:31 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 76**

**Tuesday, June 12, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Rick Norlock for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Laura Barnett, Analyst.

**WITNESSES:**

*Canadian Society of Forensic Science:*

Brian Hodgson, Chair, Alcohol Test Committee;  
Louise Dehaut, member, Alcohol Test Committee;  
Shirley Treacy, Chair, Drugs and Driving Committee.

*Canadian Centre on Substance Abuse:*

Douglas Beirness, Manager, Research and Policy;  
Jacques Lecavalier, Associate, Research and Policy.

*Canadian Bar Association:*

Tamra Thomson, Director, Legislation and Law Reform;  
Mitchell MacLeod, Executive Member, National Criminal Justice  
Section.

Brian Hodgson made a statement and, with Louise Dehaut, answered questions.

Douglas Beirness made a statement and, with Jacques Lecavalier, answered questions.

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Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 76

Tuesday, June 12, 2007

The Standing Committee on Justice and Human Rights met in a video recorded session at 9:03 a.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Rick Norlock for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Laura Barnett, Analyst.

*Witnesses: Canadian Society of Forensic Science:* Brian Hodgson, Chair, Alcohol Test Committee; Louise Dehaut, member, Alcohol Test Committee; Shirley Treacy, Chair, Drugs and Driving Committee. *Canadian Centre on Substance Abuse:* Douglas Beirness, Manager, Research and Policy; Jacques Lecavalier, Associate, Research and Policy. *Canadian Bar Association:* Tamra Thomson, Director, Legislation and Law Reform; Mitchell MacLeod, Executive Member, National Criminal Justice Section.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Brian Hodgson made a statement and, with Louise Dehaut, answered questions.

Shirley Treacy made a statement and answered questions.

Douglas Beirness made a statement and, with Jacques Lecavalier, answered questions.

At 9:40 a.m., Derek Lee took the Chair.

Tamra Thomson and Mitchell MacLeod each made a statement and answered questions.

At 10:24 a.m., Art Hanger took the Chair.

At 11:03 a.m., the sitting was suspended.

At 11:04 a.m., the sitting resumed.

It was agreed, — That the Committee reinvite the representative of the Drugs and Driving Committee of the Canadian Society of Forensic Science and the representatives of the Canadian Bar Association to appear on Thursday, June 14, 2007, to answer questions in relation to Bill C-32.

At 11:05 a.m., the Committee adjourned to the call of the Chair.



Diane Diotte  
Clerk of the Committee

2007/06/12 4:17 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 77**

**Thursday, June 14, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Daniel Petit  
and Myron Thompson.

**ACTING MEMBERS PRESENT:**

Hon. Dominic LeBlanc for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Laura Barnett, Analyst;  
Robin MacKay, Analyst.

**WITNESSES:**

*Royal Canadian Mounted Police:*

Evan Graham, National Coordinator, Drug Evaluation and  
Classification Program.

*Canadian Society of Forensic Science:*

Marthe Dalpé-Scott, Co-Chair, Drugs and Driving Committee.

Diane Diotte  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 77

Thursday, June 14, 2007

The Standing Committee on Justice and Human Rights met at 9:01 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Daniel Petit and Myron Thompson.

*Acting Members present:* Hon. Dominic LeBlanc for Brian Murphy.

*In attendance: Library of Parliament:* Laura Barnett, Analyst; Robin MacKay, Analyst.

*Witnesses: Royal Canadian Mounted Police:* Evan Graham, National Coordinator, Drug Evaluation and Classification Program. *Canadian Society of Forensic Science:* Marthe Dalpé-Scott, Co-Chair, Drugs and Driving Committee.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

Evan Graham made a statement and answered questions.

Marthe Dalpé-Scott made a statement and answered questions.

At 10:39 a.m., the sitting was suspended.

At 10:41 a.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee proceed to the clause by clause study of Bill C-32 on Tuesday, June 19, 2007, from 9:00 a.m. to 12:00 p.m.

Larry Bagnell moved, — That, given the unprecedented occurrence of inadequately thought out and designed legislation, often contrary to the intended results, and therefore requiring defeat or major rewriting and redrafting, and excessively lengthy drawn out Committee and witness work (at taxpayers expense), the Committee embark on a study of the policy development process for the Justice Bills brought forward by the new Government.

After debate, the question was put on the motion and it was agreed to, by a show of hands: YEAS: 6; NAYS: 4.

At 10:59 a.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/06/14 3:14 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 78**

**Tuesday, June 19, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Paule Brunelle for Carole Freeman,  
Marc Lemay for Carole Freeman,  
and Joy Smith for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Laura Barnett, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

Hal Pruden, Counsel, Criminal Law Policy Section;  
Greg Yost, Counsel, Criminal Law Policy Section.

*Royal Canadian Mounted Police:*

Evan Graham, National Coordinator, Drug Evaluation and  
Classification Program.

Diane Diotte  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 78

Tuesday, June 19, 2007

The Standing Committee on Justice and Human Rights met at 9:18 a.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Paule Brunelle for Carole Freeman, Marc Lemay for Carole Freeman and Joy Smith for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Laura Barnett, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* Hal Pruden, Counsel, Criminal Law Policy Section; Greg Yost, Counsel, Criminal Law Policy Section. *Royal Canadian Mounted Police:* Evan Graham, National Coordinator, Drug Evaluation and Classification Program.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee commenced its clause-by-clause study of the Bill.

The Chair called Clause 1.

The witnesses from the Department of Justice answered questions.

Clause 1 carried.

On Clause 2,

Rob Moore moved, — That Bill C-32, in Clause 2, be amended by replacing lines 22 and 23 on page 1 with the following:

“substance included in Schedule I, II or III of the *Controlled Drugs and Substances*”

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

After debate, Clause 2, as amended, was negatived by a show of hands: YEAS: 4; NAYS: 7.

On Clause 3,

Rob Moore moved, — That Bill C-32, in Clause 3, be amended by replacing lines 20 to 23 on page 2 with the following:

“to suspect that a person has alcohol or a drug in their body and that the person has, within the preceding three hours, operated a motor vehicle or vessel, operated or assisted in the operation”

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Marlene Jennings moved, — That Bill C-32, in Clause 3, be amended by adding after line 8 on page 4 the following:

“(3.11) For greater certainty, a peace officer shall make a video recording of an evaluation referred to in subsection (3.1).”

At 10:35 a.m., it was agreed, —That Evan Graham be invited to provide testimony.

Evan Graham answered questions.

On motion of Brian Murphy, it was agreed, — That the amendment be amended by replacing the word “shall” with the word “may”

After debate, the question was put on the amendment of Marlene Jennings, as amended, and it was agreed to.

On motion of Rob Moore, it was agreed, — That Bill C-32, in Clause 3, be amended by replacing line 18 on page 4 with the following:

“approved instrument.”

Clause 3, as amended, carried by a show of hands: YEAS: 7; NAYS: 2.

Clause 4 carried.

On Clause 5,

Réal Ménard moved, — That Bill C-32, in Clause 5, be amended by deleting lines 28 to 35 on page 5.

After debate, the question was put on the amendment of Réal Ménard and it was negatived, by a show of hands: YEAS: 3; NAYS: 7.

Clause 5 carried on division.

Clause 6 carried on division.

Clause 7 carried on division.

On Clause 8,

Rob Moore moved, — That Bill C-32, in Clause 8, be amended by

(a) replacing lines 20 to 27 on page 8 with the following:

“preuve tendant à démontrer à la fois que les résultats des analyses montrant une alcoolémie



supérieure à quatre-vingt milligrammes d'alcool par cent millilitres de sang découlent du mauvais fonctionnement ou de l'utilisation incorrecte de l'alcootest approuvé et que l'alcoolémie de l'accusé au moment où l'infraction aurait été commise ne dépassait pas quatre-vingts milligrammes d'alcool par cent millilitres de sang, de l'alcoolémie de l'accusé tant au moment des analyses qu'à celui où l'infraction aurait été commise, ce"

(b) replacing lines 2 to 16 on page 9 with the following:

"made is conclusive proof that the concentration of alcohol in the accused's blood both at the time when the analyses were made and at the time when the offence was alleged to have been committed was, if the results of the analyses are the same, the concentration determined by the analyses and, if the results of the analyses are different, the lowest of the concentrations determined by the analyses, in the absence of evidence tending to show all of the following three things — that the approved instrument was malfunctioning or was operated improperly, that the malfunction or improper operation resulted in the determination that the concentration of alcohol in the accused's blood exceeded 80 mg of alcohol in 100 mL of blood, and that the concentration of alcohol in the accused's blood would not in fact have exceeded 80 mg of alcohol in 100 mL of blood at the time when the offence was alleged to have been committed;"

(c) replacing lines 3 to 19 on page 10 with the following:

"evidence of the result of the analysis is conclusive proof that the concentration of alcohol in the accused's blood both at the time when the samples were taken and at the time when the offence was alleged to have been committed was the concentration determined by the analysis or, if more than one sample was analyzed and the results of the analyses are the same, the concentration determined by the analyses and, if the results of the analyses are different, the lowest of the concentrations determined by the analyses, in the absence of evidence tending to show all of the following three things — that the analysis was performed improperly, that the improper performance resulted in the determination that the concentration of alcohol in the accused's blood exceeded 80 mg of alcohol in 100 mL of blood, and that the concentration of alcohol in the accused's blood would not in fact have exceeded 80 mg of alcohol in 100 mL of blood at the time when the offence was alleged to have been committed;"

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

On motion of Rob Moore, it was agreed, — That Bill C-32, in Clause 8, be amended by deleting lines 32 to 40 on page 8.

Marlene Jennings moved, — That Bill C-32, in Clause 8, be amended by adding after line 6 on page 13 the following:

"(5.1) No evidence pertaining to samples of an accused's breath shall be received in evidence in the absence of a certificate of an analyst stating that the approved instrument was calibrated correctly, is checked for accuracy on a regular basis and has been maintained according to the manufacturer's guidelines."

Debate arose thereon.

Larry Bagnell moved, — That the amendment be amended by adding after the word "guidelines" the following:



“or any more stringent guidelines subsequently established.”

Debate arose thereon.

The question was put on the subamendment of Larry Bagnell and it was negatived, by a show of hands: YEAS: 4; NAYS: 6.

After debate, the question was put on the amendment of Marlene Jennings and it was negatived, by a show of hands: YEAS: 4; NAYS: 6.

At 12:08 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee

2007/06/21 3:58 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 79**

**Tuesday, June 19, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Jean Crowder for Joe Comartin,  
and Mike Wallace for Myron Thompson.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Laura Barnett, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Department of Justice:*

Hal Pruden, Counsel, Criminal Law Policy Section;  
Greg Yost, Counsel, Criminal Law Policy Section.

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Diane Diotte  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 79

Tuesday, June 19, 2007

The Standing Committee on Justice and Human Rights met at 6:01 p.m. this day, in Room 209, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Jean Crowder for Joe Comartin and Mike Wallace for Myron Thompson.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Laura Barnett, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Department of Justice:* Hal Pruden, Counsel, Criminal Law Policy Section; Greg Yost, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, February 6, 2007, the Committee resumed consideration of Bill C-32, An Act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

The Committee resumed clause-by-clause consideration on Clause 8 of the Bill.

The witnesses answered questions.

After debate, Clause 8, as amended, carried on the following recorded division: YEAS: Jean Crowder, Rick Dykstra, Carole Freeman, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy, Daniel Petit, Mike Wallace — 9; NAYS: Larry Bagnell, Marlene Jennings — 2.

Clause 9 carried.

On Clause 10,

Réal Ménard moved, — That Bill C-32, in Clause 10, be amended

(a) by replacing lines 18 to 21 on page 14 with the following:

“10. (1) Subsection 259(1) of the Act is replaced by the following:

259. (1) When an offender is convicted of an offence committed under section 253”

(b) by deleting lines 13 to 21 on page 15.

After debate, the question was put on the amendment of Réal Ménard and it was agreed to.

Clause 10, as amended, carried.

Clause 11 carried.

On new Clause 11.1,

Larry Bagnell moved, — That Bill C-32 be amended by adding after line 15 on page 16 the following new clause:

“11.1 A committee designated or established by Parliament for the purpose of this section shall, not later than five years after the day on which this Act comes into force, undertake a comprehensive review of its provisions and the effect of its implementation, and shall, within six months after the review is undertaken, submit a report to Parliament thereon including a statement of any changes the committee would recommend.”

Debate arose thereon.

Réal Ménard moved, — That the amendment be amended by replacing the words “its provisions and the effect of its implementation,” with the words “the provisions of the Criminal Code with respect to impaired driving, including any regulations related thereto,”

After debate, the question was put on the subamendment of Réal Ménard and it was agreed to.

New Clause 11.1, as amended, carried.

Clause 12 carried.

By unanimous consent, Clauses 13 to 15 inclusive carried.

On Clause 16,

Réal Ménard moved, — That Bill C-32, in Clause 16, be amended by deleting lines 15 to 32 on page 20.

After debate, the question was put on the amendment of Réal Ménard and it was agreed to.

Clause 16, as amended, carried.

The Title carried.

The Bill, as amended, carried on division.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-32, as amended, be reprinted for the use of the House at report stage.

At 6:49 p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
Clerk of the Committee



2007/06/21 3:58 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Clerk of the Committee: Miriam Burke.

**Meeting No. 1**

**Tuesday, November 13, 2007**

**ORDER OF THE DAY:**

The Clerk of the Committee presided over the election of a Chair.

**MEMBERS OF THE COMMITTEE PRESENT:**

Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.



**ACTING MEMBERS PRESENT:**

Jean-Claude D'Amours for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

Miriam Burke  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 1

Tuesday, November 13, 2007

The Standing Committee on Justice and Human Rights met at 11:17 a.m. this day, in Room 237-C, Centre Block, for the purpose of electing a Chair, pursuant to Standing Order 106(1).

*Members of the Committee present:* Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Jean-Claude D'Amours for Hon. Larry Bagnell.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

The Clerk of the Committee presided over the election of a Chair.

On motion of Derek Lee, it was agreed, — That Art Hanger be elected Chair of the Committee.

On motion of Derek Lee, it was agreed, — That Brian Murphy be elected First Vice-Chair of the Committee.

On motion of Carole Freeman, it was agreed, — That Réal Ménard be elected Second Vice-Chair of the Committee.

Art Hanger took the Chair.

On motion of Derek Lee, it was agreed, — That the Committee retain, as needed and at the discretion of the Chair, the services of one or more analysts from the Library of Parliament to assist it in its work.

On motion of Derek Lee, it was agreed, — That the Chair be authorized to hold meetings to receive evidence and to have that evidence printed when a quorum is not present, provided that at least three (3) members are present, including one member of the opposition.

On motion of Derek Lee, it was agreed, — That only the Clerk of the Committee be authorized to distribute to the members of the Committee and only when the documents are available in both official languages.

On motion of Derek Lee, it was agreed, — That the Clerk of the Committee be authorized to make the necessary arrangements to provide working meals for the Committee and its Subcommittees.

On motion of Derek Lee, it was agreed, — That, if requested, reasonable travel, accommodation and living expenses be reimbursed to witnesses not exceeding two (2) representative per organization; and that, in exceptional circumstances, payment for more representatives be made at the discretion of the Chair.

On motion of Derek Lee, it was agreed, — That, when a Private Members' Bill is referred to the Committee, it be placed on the Agenda and that its sponsor be invited to appear before the Committee.



On motion of Derek Lee, it was agreed, — That one copy of the transcript of each in camera meeting be kept in the Committee Clerk's office for consultation by members of the Committee.

On motion of Derek Lee, it was agreed, — That 48 hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration; and that the notice of motion be filed with the Clerk of the Committee and distributed to members in both official languages.

Derek Lee moved, — That the Subcommittee on Agenda and Procedure be established and composed of the Chair, the two Vice-Chairs and a member of the other opposition party.

Rob Moore moved, — That the motion be amended by adding after "the two Vice-Chairs" the following: "the Parliamentary Secretary to the Minister of Justice, a second member of the Liberal Party and the member from the New Democratic Party".

After debate, by unanimous consent, the amendment was withdrawn.

After debate, the question was put on the motion and it was agreed to.

Derek Lee moved, — That witnesses from an organization be given ten (10) minutes to make their opening statement; and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party; and that thereafter five (5) minutes be allocated to each subsequent questioner (alternating between Government and Opposition parties) until all Members have had a chance to participate, after which, if time permits, a new round will commence.

Rob Moore moved, — That the motion be amended by replacing the words after "That" with the following : "the witnesses from any one organization shall be given 10 minutes for their opening statements. During the questioning of witnesses, there shall be allocated seven minutes for the first round of questioning and thereafter five minutes shall be allocated to each questioner in the second and subsequent rounds of questioning".

Debate arose thereon.

After debate, by unanimous consent, the amendment was withdrawn.

Marlene Jennings moved, — That the motion be amended in the English by adding the words "up to" after the following: "that witnesses from an organization be given".

After debate, the question was put on the amendment of Marlene Jennings and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

Derek Lee moved, — That, unless otherwise ordered, each Committee member be allowed to be accompanied by one staff person, as designated by the member, at an in camera meeting.

Réal Ménard moved, — That the motion be amended by adding after the words "as designated by the member" the following: "as well as one person representing the Party Leadership in the House".

Debate arose thereon.

After debate, the question was put on the amendment of Réal Ménard and it was agreed to.

After debate, the question was put on the motion, as amended, and it was agreed to.

At 11:58 a.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2007/11/19 12:49 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**

**STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS**

Chair: Hon. Art Hanger

**Meeting No. 2**

**Thursday, November 22, 2007**

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## MINUTES OF PROCEEDINGS

Meeting No. 2

Thursday, November 22, 2007

The Standing Committee on Justice and Human Rights met *in camera* at 11:13 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Brian Murphy and Daniel Petit.

*Acting Members present:* Rick Norlock for Rob Moore and Ève-Mary Thäi Thi Lac for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

The Chair presented the First Report from the Subcommittee on Agenda and Procedure to the members of the Standing Committee.

It was agreed, — That the Committee commence consideration of the Supplementary Estimates (A) 2007-2008 on November 27, 2007.

It was agreed, — That the Committee invite the Minister of Justice and departmental officials to discuss the Supplementary Estimates (A) on November 27, 2007.

It was agreed, — That the Committee invite representatives from the Department of Justice to discuss the Supplementary Estimates (A) regarding the Legal Aid Program on November 29 for the first hour and; that the Committee invite officials from the Office of the Director of Public Prosecutions for the second hour of the same meeting.

It was agreed, — That the Committee begin study on Bill C-343, An Act to amend the Criminal Code (motor vehicle theft) on December 4 and invite Andrew Scheer to appear for the first hour and other witnesses, to be determined, for the second hour, and continue hearing witnesses on December 6, 2007.

It was agreed, — That the Committee begin study on Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine) on December 11 and invite Chris Warkentin to appear for the first hour and other witnesses, to be determined, for the second hour and continue hearing witnesses on December 13, 2007.

It was agreed, — That the First Report from the Subcommittee on Agenda and Procedure, as

amended, be adopted.

At 11:56 a.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2007/11/23 1:16 p.m.

HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 3**

**Tuesday, November 27, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(5), the Committee resumed consideration of the Supplementary Estimates (A) for the fiscal year ending March 31, 2008: Votes 1a, 5a, 20a, 30a and 35a under JUSTICE, referred to the Committee on Tuesday, October 30, 2007.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Hon. Sue Barnes for Hon. Marlene Jennings,  
and Michael Savage for Derek Lee.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

John H. Sims, Deputy Minister and Deputy Attorney General of  
Canada;  
Donald J. Rennie, Barrister and Solicitor, Senior General Counsel,  
Civil Litigation Section.

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Miriam Burke  
Clerk of the Committee

 [Close](#)

## MINUTES OF PROCEEDINGS

Meeting No. 3

Tuesday, November 27, 2007

The Standing Committee on Justice and Human Rights met in a televised session at 11:02 a.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Hon. Sue Barnes for Hon. Marlene Jennings and Michael Savage for Derek Lee.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* John H. Sims, Deputy Minister and Deputy Attorney General of Canada; Donald J. Rennie, Barrister and Solicitor, Senior General Counsel, Civil Litigation Section.

Pursuant to Standing Order 81(5), the Committee commenced consideration of the Supplementary Estimates (A) for the fiscal year ending March 31, 2008: Votes 1a, 5a, 20a, 30a and 35a under JUSTICE, referred to the Committee on Tuesday, October 30, 2007.

The Chair called Vote 1 under JUSTICE.

The Minister made a statement and with John Sims and Donald J. Rennie answered questions.

At 12:45 p.m., the sitting was suspended.

At 12:48 p.m., the sitting resumed.

The Committee proceeded to Committee Business *in camera*.

Rob Moore moved, — That the Standing Committee on Justice and Human Rights do a full review of the issue of impaired driving including consideration of: the advisability of lowering the criminal Blood Alcohol Concentration limits; innovative approaches in use in other countries, such as Randomized Breath Testing; the implications of advances in technology to enforce the laws; the Criminal Code sanctions for impaired driving and how they interrelate with provincial licensing measures.

After debate, the question was put on the motion and it was agreed to.

At 12:59 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee



2007/11/28 10:19 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 4**

**Thursday, November 29, 2007**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 81(5), the Committee resumed consideration of the Supplementary Estimates (A) for the fiscal year ending March 31, 2008: Votes 1a, 5a, 20a, 30a and 35a under JUSTICE, referred to the Committee on Tuesday, October 30, 2007.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Bonnie Brown for Brian Murphy,  
and Bruce Stanton for Daniel Petit.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst.

**WITNESSES:**

*Department of Justice:*  
Donald K. Piragoff, Senior Assistant Deputy Minister;  
Barbara Merriam, Acting Director General.

*Public Prosecution Service of Canada:*  
Brian Saunders, Acting Director of Public Prosecutions;  
Marc Fortin, Acting General Counsel and Director, Office of the  
General Counsel and Director;  
George Dolhai, Acting Deputy Director of Public Prosecutions,  
Headquarters.

Donald K. Piragoff made a statement and, with Barbara Merriam, answered questions.

Brian Saunders made a statement and, with Marc Fortin and George Dolhai, answered questions.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 4

Thursday, November 29, 2007

The Standing Committee on Justice and Human Rights met at 11:08 a.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Bonnie Brown for Brian Murphy and Bruce Stanton for Daniel Petit.

*In attendance: Library of Parliament:* Robin MacKay, Analyst.

*Witnesses: Department of Justice:* Donald K. Piragoff, Senior Assistant Deputy Minister; Barbara Merriam, Acting Director General. *Public Prosecution Service of Canada:* Brian Saunders, Acting Director of Public Prosecutions; Marc Fortin, Acting General Counsel and Director, Office of the General Counsel and Director; George Dolhai, Acting Deputy Director of Public Prosecutions, Headquarters.

Pursuant to Standing Order 81(5), the Committee resumed consideration of the Supplementary Estimates (A) for the fiscal year ending March 31, 2008: Votes 1a, 5a, 20a, 30a and 35a under JUSTICE, referred to the Committee on Tuesday, October 30, 2007.

Donald K. Piragoff made a statement and, with Barbara Merriam, answered questions.

At 11:59 a.m., the sitting was suspended.

At 12:02 p.m., the sitting resumed.

Brian Saunders made a statement and, with Marc Fortin and George Dolhai, answered questions.

The Chair called Vote 1a under JUSTICE.

Vote 1a under JUSTICE carried.

The Chair called Vote 5a under JUSTICE.

Vote 5a under JUSTICE carried.

The Chair called Vote 20a under JUSTICE.

Vote 20a under JUSTICE carried.

The Chair called Vote 30a under JUSTICE.

Vote 30a under JUSTICE carried.

The Chair called Vote 35a under JUSTICE.

Vote 35a under JUSTICE carried.

ORDERED, — That the Chair report the Supplementary Estimates (A) to the House.

At 12:54 p.m., the sitting was suspended.

At 12:54 p.m., the sitting resumed *in camera*.

At 1:05 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2007/11/30 1:59 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 5**

**Tuesday, December 4, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee commenced consideration of Bill C-343, An Act to amend the Criminal Code (motor vehicle theft).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Hon. Navdeep Bains for Brian Murphy,  
Hon. Carolyn Bennett for Hon. Marlene Jennings,  
and Bob Mills for Rick Dykstra.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*House of Commons:*

Andrew Scheer, Regina—Qu'Appelle.

*Insurance Bureau of Canada:*

Mark Yakabuski, President and Chief Executive Officer;  
Richard Dubin, Vice-President, Investigations.

*Auto Theft Canada:*

Ken Haywood, Founder.

Andrew Scheer made a statement and, answered questions.

Mark Yakabuski and Ken Haywood made statements and, with Richard Dubin, answered questions.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 5

Tuesday, December 4, 2007

The Standing Committee on Justice and Human Rights met at 11:05 a.m. this day, in Room 253-D, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Hon. Navdeep Bains for Brian Murphy, Hon. Carolyn Bennett for Hon. Marlene Jennings and Bob Mills for Rick Dykstra.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: House of Commons:* Andrew Scheer, Regina—Qu'Appelle. *Insurance Bureau of Canada:* Mark Yakabuski, President and Chief Executive Officer; Richard Dubin, Vice-President, Investigations. *Auto Theft Canada:* Ken Haywood, Founder.

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee commenced consideration of Bill C-343, An Act to amend the Criminal Code (motor vehicle theft).

The Chair calls Clause 1.

Andrew Scheer made a statement and, answered questions.

At 11:53 a.m., the sitting was suspended.

At 11:55 a.m., the sitting resumed.

Mark Yakabuski and Ken Haywood made statements and, with Richard Dubin, answered questions.

At 12:57 p.m., the sitting was suspended.

At 1:02 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the House of Commons Standing Committee on Justice and Human Rights study section 462.34 of the Criminal Code and its application after its study of Bill C-23 comes to a close; that the Committee dedicate a minimum of 1 session to this study at a time when there is no legislation before the Committee; that the Chair of the Committee report its findings to the House.

It was agreed, — That in conjunction with its study on Bill C-25, An Act to amend the Youth Criminal Justice Act the House of Commons Standing Committee on Justice and Human Rights undertake a study of the Nunn Report and its recommendations for federal action on the issues of violent crime and patterns of repeat offences amongst youth and possible improvements to the Youth Criminal Justice Act

and report these findings to the House.

At 1:06 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2007/12/07 11:56 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 6**

**Thursday, December 6, 2007**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee commenced consideration of Bill C-343, An Act to amend the Criminal Code (motor vehicle theft).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Ken Boshcoff for Hon. Marlene Jennings,  
Rodger Cuzner for Brian Murphy,  
Ed Komarnicki for Rick Dykstra,  
Brian Masse for Joe Comartin,  
Brent St. Denis for Hon. Marlene Jennings,  
and Dave Van Kesteren for Rick Dykstra.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk.

**WITNESSES:**

*Canadian Automobile Dealers Association:*

Thomas D. Donnelly, Chairman;

Huw Williams, Director, Public Affairs.

*Ontario Provincial Police:*

Scott Mills, Detective Staff Sergeant Unit Commander, Provincial Auto Theft Team, Organized Crime Section.

*North American Export Committee:*

Ben Jillett, Investigator, Provincial Auto Theft Team.

*As an Individual:*

Julian V. Roberts, Professor, Centre for Criminology, Oxford University.

*Winnipeg Police Service:*

Jim Poole, Inspector.

*National Committee to Reduce Auto Theft:*

Barry Gordon Ward, Executive Director.

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Miriam Burke  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 6

Thursday, December 6, 2007

The Standing Committee on Justice and Human Rights met at 11:10 a.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Ken Boshcoff for Hon. Marlene Jennings, Rodger Cuzner for Brian Murphy, Ed Komarnicki for Rick Dykstra, Brian Masse for Joe Comartin, Brent St. Denis for Hon. Marlene Jennings and Dave Van Kesteren for Rick Dykstra.

*In attendance: Library of Parliament:* Robin MacKay, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk.

*Witnesses: Canadian Automobile Dealers Association:* Thomas D. Donnelly, Chairman; Huw Williams, Director, Public Affairs. *Ontario Provincial Police:* Scott Mills, Detective Staff Sergeant Unit Commander, Provincial Auto Theft Team, Organized Crime Section. *North American Export Committee:* Ben Jillett, Investigator, Provincial Auto Theft Team. *As an individual:* Julian V. Roberts, Professor, Centre for Criminology, Oxford University. *Winnipeg Police Service:* Jim Poole, Inspector. *National Committee to Reduce Auto Theft:* Barry Gordon Ward, Executive Director.

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee commenced consideration of Bill C-343, An Act to amend the Criminal Code (motor vehicle theft).

Thomas D. Donnelly, Scott Mills, Ben Jillett and Julian V. Roberts each made a statement and, with Huw Williams, answered questions.

At 12:30 p.m., the sitting was suspended.

At 12:38 p.m., the sitting resumed.

Jim Poole and Barry Ward each made a statement and, answered questions.

At 13:29 p.m., the sitting was suspended.

At 13:38 p.m., the sitting resumed.

The Committee commenced its clause-by-clause study of the Bill.

On Clause 1,

Derek Lee moved, — That Bill C-343, in Clause 1, be amended by replacing lines 9 to 30 on page 1 with the following:

“tion and is liable

(a) if the offence is prosecuted by indictment, to imprisonment for a term of not more than ten years; and

(b) if the offence is punishable on summary conviction, to imprisonment for a term of not more than two years.”

Debate arose thereon.

At 1:50 p.m., the sitting was suspended.

At 1:53 p.m., the sitting resumed.

After debate, the question was put on the amendment of Derek Lee and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

Derek Lee moved, — That Bill C-343, in Clause 1, be amended by deleting lines 1 to 6 on page 2.

The question was put on the amendment of Derek Lee and it was agreed to, by a show of hands: YEAS: 7; NAYS: 4.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following three (3) amendments which are therefore also adopted:

That Bill C-343, in Clause 1, be amended by deleting lines 7 to 12 on page 2.

That Bill C-343, in Clause 1, be amended by deleting lines 13 to 18 on page 2.

That Bill C-343, in Clause 1, be amended by deleting lines 19 to 23 on page 2.

Rob Moore moved, — That Bill C-343, in Clause 1, be amended by adding after line 23 on page 2 the following:

“(6) Despite section 742.1, a person convicted of a second or subsequent offence may not serve their sentence in the community.”

The question was put on the amendment of Rob Moore and it was negatived, by a show of hands: YEAS: 4; NAYS: 7.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-343, as amended, be reprinted for the use of the House at report stage.

At 2:01 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2007/12/11 7:52 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 7**

**Tuesday, December 11, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee resumed consideration of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Libby Davies for Joe Comartin,  
Hon. Mark Eyking for Hon. Marlene Jennings,  
and Raymonde Folco for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Erica Pereira, Committee Clerk;

**WITNESSES:**

*House of Commons:*

Chris Warkentin, Peace River.

*Drug Prevention Network of Canada:*

André Bigras, Executive Officer.

*Town of Drayton Valley:*

Diana McQueen, Mayor.

Chris Warkentin made a statement and, answered questions.

Diana McQueen made a statement by videoconference, André Bigras made a statement, and both answered questions.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 7

Tuesday, December 11, 2007

The Standing Committee on Justice and Human Rights met at 11:37 a.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Libby Davies for Joe Comartin, Hon. Mark Eyking for Hon. Marlene Jennings and Raymonde Folco for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Erica Pereira, Committee Clerk.

*Witnesses: House of Commons:* Chris Warkentin, Peace River. *Drug Prevention Network of Canada:* André Bigras, Executive Officer. *Town of Drayton Valley:* Diana McQueen, Mayor.

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee commenced consideration of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).

The Chair calls Clause 1.

Chris Warkentin made a statement and, answered questions.

At 12:35 p.m., the sitting was suspended.

At 12:37 p.m., the sitting resumed.

Diana McQueen made a statement by videoconference, André Bigras made a statement, and both answered questions.

At 1:25 p.m., the sitting was suspended.

At 1:26 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business.

At 1:30 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2007/12/12 10:26 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 8**

**Thursday, December 13, 2007**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee resumed consideration of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Libby Davies for Joe Comartin,  
Hon. John McKay for Brian Murphy,  
and Hon. Raymond Simard for Hon. Marlene Jennings.



**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Erica Pereira, Committee Clerk.

**WITNESSES:**

*Royal Canadian Mounted Police:*

Michel Aubin, Acting Director General, Drugs and Organized  
Crime;  
Doug Culver, Sergeant, Chemical Diversion Unit.

*Department of Health:*

Carole Bouchard, Director, Office of Controlled Substances, Drug  
Strategy and Controlled Substances Programme, Healthy  
Environments and Consumer Safety Branch.

*University of Montreal:*

Jean-Sébastien Fallu, Assistant Professor, School of  
Psychoeducation.

*Canadian Centre on Substance Abuse:*

Rebecca Jesseman, Policy Analyst.

*Canadian Chemical Producers' Association:*

David F. Podruzny, Vice-President, Business and Economics.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 8

Thursday, December 13, 2007

The Standing Committee on Justice and Human Rights met at 10:59 a.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Libby Davies for Joe Comartin, Hon. John McKay for Brian Murphy and Hon. Raymond Simard for Hon. Marlene Jennings.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Erica Pereira, Committee Clerk.

*Witnesses: Royal Canadian Mounted Police:* Michel Aubin, Acting Director General, Drugs and Organized Crime; Doug Culver, Sergeant, Chemical Diversion Unit. *Department of Health:* Carole Bouchard, Director, Office of Controlled Substances, Drug Strategy and Controlled Substances Programme, Healthy Environments and Consumer Safety Branch. *University of Montreal:* Jean-Sébastien Fallu, Assistant Professor, School of Psychoeducation. *Canadian Centre on Substance Abuse:* Rebecca Jesseman, Policy Analyst. *Canadian Chemical Producers' Association:* David F. Podrutzny, Vice-President, Business and Economics.

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee resumed consideration of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).

The witnesses made statements and answered questions.

At 11:30 Réal Ménard took the Chair.

At 11:32 the Chair took the Chair.

On motion of Réal Ménard, it was agreed, — That consideration of the clause by clause study of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine) be postponed until after the winter adjournment period of the House.

At 12:25 p.m., the sitting was suspended.

At 12:36 p.m., the sitting resumed.

The witnesses answered questions.

At 1:03 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke

Clerk of the Committee

2007/12/14 12:41 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 9**

**Tuesday, January 29, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee resumed consideration of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Marlene Jennings,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Libby Davies for Joe Comartin,  
and Hon. Dominic LeBlanc for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Erica Pereira, Committee Clerk;

**WITNESSES:**

*House of Commons:*

Chris Warkentin, M.P., Peace River.

*Royal Canadian Mounted Police:*

Michel Aubin, Acting Director General, Drugs and Organized  
Crime;  
Doug Culver, Sergeant, Chemical Diversion Unit.

*Department of Justice:*

Greg Yost, Counsel, Criminal Law Policy Section.

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Miriam Burke  
Clerks of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 9

Tuesday, January 29, 2008

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 269, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Marlene Jennings, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Libby Davies for Joe Comartin and Hon. Dominic LeBlanc for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Erica Pereira, Committee Clerk.

*Witnesses: House of Commons:* Chris Warkentin, M.P., Peace River. *Royal Canadian Mounted Police:* Michel Aubin, Acting Director General, Drugs and Organized Crime; Doug Culver, Sergeant, Chemical Diversion Unit. *Department of Justice:* Greg Yost, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Tuesday, October 16, 2007, the Committee resumed consideration of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).

Chris Warkentin and Michel Aubin each made an opening statement and, with Greg Yost and Doug Culver, answered questions.

The Committee commenced its clause-by-clause study of the Bill.

On Clause 1,

Rob Moore moved, — That Bill C-428, in Clause 1, be amended by replacing lines 7 to 13 on page 1 with the following:

7.1 (1) No person shall possess, produce, sell or import anything knowing that it will be used to produce or traffic in a substance referred to in item 18 of Schedule I.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable to imprisonment for a term of not more than 10 years.

A point of order was raised regarding the procedural admissibility of the proposed amendment.

The Chair ruled the proposed amendment admissible.

After debate, the question was put on the amendment of Rob Moore and it was agreed to.

Clause 1, as amended, carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, — That the Chair report the Bill, as amended, to the House.

ORDERED, — That Bill C-428, as amended, be reprinted for the use of the House at report stage.

At 5:04 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerks of the Committee

2008/02/01 9:12 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 10**

**Thursday, January 31, 2008**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Friday, November 30, 2007, the Committee resumed consideration of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Mark Holland for Hon. Larry Bagnell.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Erica Pereira, Committee Clerk.

**WITNESSES:**

Hon. John G. Bryden, Senator.

*Association of Universities and Colleges of Canada:*

Andrew Tasker, Professor of Pharmacology and Director, Atlantic Centre  
for Comparative Biomedical Research, Atlantic Veterinary College of the  
University of Prince Edward Island;  
Steve Wills, Manager, Legal Affairs.

*Canadian Veterinary Medical Association:*

Alice Crook, Chair, Animal Welfare Committee;  
John Drake, President.

*National Coalition of Animal-based Sectors:*

Leslie Ballentine, Executive Director, Ontario Farm Animal Council.

Hon. John G. Bryden, Senator, made a statement and, answered questions.

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Miriam Burke, Erica Pereira  
Clerks of the Committee

## PROCÈS-VERBAL

Séance n° 10

Le jeudi 31 janvier 2008

Le Comité permanent de la justice et des droits de la personne se réunit aujourd'hui à 15 h 31, dans la pièce 269 de l'édifice de l'Ouest, sous la présidence de Art Hanger, président.

*Membres du Comité présents* : L'hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, l'hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy et Daniel Petit.

*Membres substitués présents* : Mark Holland remplace l'hon. Larry Bagnell.

*Aussi présents* : *Bibliothèque du Parlement* : Robin MacKay, analyste; Dominique Valiquet, analyste. *Chambre des communes* : Erica Pereira, greffière de comité.

*Témoins* : L'hon. John G. Bryden, sénateur. *Association des universités et collèges du Canada* : Andrew Tasker, professeur de pharmacologie et directeur, Atlantic Centre for Comparative Biomedical Research, Atlantic Veterinary College of the University of Prince Edward Island; Steve Wills, Gestionnaire, Affaires juridiques. *Association canadienne des médecins vétérinaires* : Alice Crook, président, Comité sur le bien-être des animaux; John Drake, président. *National Coalition of Animal-based Sectors* : Leslie Ballentine, directrice exécutive, Ontario Farm Animal Council.

Conformément à l'ordre de renvoi du vendredi 30 novembre 2007, le Comité entreprend l'étude du projet de loi S-203, Loi modifiant le Code criminel (cruauté envers les animaux).

Le président met en délibération l'article 1.

L'hon. John G. Bryden, sénateur, fait une déclaration et, répond aux questions.

À 16 h 39, le Comité déclare le huis clos.

Le Comité entreprend l'examen de questions relatives aux travaux du Comité.

Le président présente le troisième Rapport du Sous-comité du programme et de la procédure qui se lit comme suit:

Que, sur le Projet de Loi S-203, Loi modifiant le Code criminel (cruauté envers les animaux) les témoins suivant soient invités :

Le jeudi 31 janvier 2008 : L'hon. John Bryden, Sénateur; Leslie Ballentine, *National Coalition of Animal-based Sectors*; John Drake et Alice Crook, *Association canadienne des médecins vétérinaires*; Andrew Tasker et Steve Mills, *Association des universités et collèges du Canada*.

Le mardi 5 février 2008 : Shelagh MacDonald, La Fédération des sociétés canadienne d'assistance aux animaux; Greg Farrant, La Fédération de la chasse et pêche de l'Ontario; Kim Elmslie et Barbara Cartwright, Fonds international pour la protection des animaux; Jim Pippolo, *Canadian Professional*



*Rodeo Association*; Don Milton, *Canadian Association for Humane Trapping*; Karen Markham, Ministère de la Justice.

Le jeudi 14 février 2008 : (ÀC) Patrick Tohill, *World Society for the Protection of Animals*; Mark Holland, député.

Que, sur l'étude sur la Conduite avec facultés affaiblies les témoins suivants soient invités :

Le jeudi 7 février 2008 : Tony Cannavino et David Griffin, Association Canadienne des policiers; Nicole Dufour Isabelle Doray, Barreau du Québec; Louise Nadeau, Université de Montréal.

Le mardi 12 février 2008 : (ÀC) Robyn Robertson, Fondation de recherches sur les blessures de la route; Jason Gratl, L'association des libertés civiles de la Colombie-Britannique; Andrew Murie et Margaret Miller, Les mères contre l'alcool au volant; Jack Smith, Conseil canadien de la sécurité; Robert Mann, Centre de toxicomanie et de la santé mentale.

Le mardi 26 février 2008 : Eamonn Horan-Lunney, Association canadienne des automobilistes; Jacques Tremblay, Université de McGill; Jean-Sébastien Fallu, Université de Montréal; R.M. McLeod et Murray D.Segal, coauteurs, *Breathalyser Law in Canada*; Centre canadien pour la lutte contre l'alcoolisme et la toxicomanie; *Automobile Manufacturer's Association*; Valerie Todd, Conseil canadien des administrateurs en transport motorisé; *Canadian Society of Forensic Science, Alcohol Test Committee*; Procureur de la Couronne.

Que, le Comité continue ses audiences sur S-203 au besoin le 14 février 2008 et, si l'étude du S-203 est terminée avant cette date, qu'il poursuive son étude de l'examen approfondi des questions relatives à la conduite avec facultés affaiblies la journée même. Que le Comité poursuive son étude sur la conduite avec facultés affaiblies les 26 et 28 février 2008.

Projet de Loi C-31 Que le Comité étudie le C-31, Loi modifiant la Loi sur les juges, le 4 mars 2008, que le ministre de la Justice et ses hauts fonctionnaires soient invités à comparaître ce jour-là et que le Comité procède à l'étude article par article du C-31 après leur comparution.

Il est convenu, — Que le budget proposé pour l'étude du Projet de Loi S-203, Loi modifiant le Code criminel (cruauté envers les animaux) de 12,600 \$, soit adopté.

Il est convenu, — Que le budget proposé pour son étude sur la conduite avec facultés affaiblies, de 15,050 \$, soit adopté.

À 16 h 55, le Comité reprend l'étude du Projet de loi S-203, Loi modifiant le Code criminel (cruauté envers les animaux) en public.

Les témoins font des déclarations et répondent aux questions.

À 17 h 47, le Comité s'ajourne jusqu'à nouvelle convocation par la présidence.

Les greffières du Comité,

Miriam Burke, Erica Pereira

2008/02/04 15 h 40

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 11**

**Tuesday, February 5, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Friday, November 30, 2007, the Committee resumed consideration of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Guy André for Réal Ménard,  
Mark Holland for Derek Lee,  
Hon. John McKay for Hon. Dominic LeBlanc,  
and Hon. Geoff Regan for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*International Fund for Animal Welfare:*

Barbara Cartwright, Campaign Manager;  
Kim Elmslie, Campaigner.

*Ontario Federation of Anglers and Hunters:*

Greg Farrant, Manager, Government Relations.

*Canadian Federation of Humane Societies:*

Shelagh MacDonald, Program Director;  
Hugh Coghill, Chief Inspector, Ontario Society for the prevention  
of cruelty to animals.

*Canadian Association for Humane Trapping:*

Don Mitton, Project Director.

*Canadian Professional Rodeo Association:*

Jim Pippolo, Acting General Manager .

Miriam Burke  
Clerks of the Committee



Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 11

Tuesday, February 5, 2008

The Standing Committee on Justice and Human Rights met at 3:31 p.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Guy André for Réal Ménard, Mark Holland for Derek Lee, Hon. John McKay for Hon. Dominic LeBlanc and Hon. Geoff Regan for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: International Fund for Animal Welfare:* Barbara Cartwright, Campaign Manager; Kim Elmslie, Campaigner. *Ontario Federation of Anglers and Hunters:* Greg Farrant, Manager, Government Relations. *Canadian Federation of Humane Societies:* Shelagh MacDonald, Program Director; Hugh Coghill, Chief Inspector, Ontario Society for the prevention of cruelty to animals. *Canadian Association for Humane Trapping:* Don Mitton, Project Director. *Canadian Professional Rodeo Association:* Jim Pippolo, Acting General Manager.

Pursuant to the Order of Reference of Friday, November 30, 2007, the Committee resumed consideration of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

The witnesses made statements and answered questions.

At 5:28 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerks of the Committee

2008/02/06 3:23 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 12**

**Thursday, February 7, 2008**

**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Carole Freeman,  
Art Hanger,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Harold Albrecht for Rick Dykstra,  
David Christopherson for Joe Comartin,  
Hon. Roy Cullen for Hon. Larry Bagnell,  
Richard Harris for Rick Dykstra,  
Mark Holland for Derek Lee,  
and Peter Julian for Joe Comartin.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Erica Pereira, Committee Clerk.

**WITNESSES:**

*Canadian Police Association:*

Tony Cannavino, President;  
David Griffin, Executive Officer.

*Université de Montréal:*

Louise Nadeau, Full Professor, Research Group on the Social  
Aspects of Health and Prevention (GRASP).

*Traffic Injury Research Foundation:*

Robyn Robertson, Chief Executive Officer.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 12

Thursday, February 7, 2008

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Carole Freeman, Art Hanger, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Harold Albrecht for Rick Dykstra, David Christopherson for Joe Comartin, Hon. Roy Cullen for Hon. Larry Bagnell, Richard Harris for Rick Dykstra, Mark Holland for Derek Lee and Peter Julian for Joe Comartin.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Erica Pereira, Committee Clerk.

*Witnesses: Canadian Police Association:* Tony Cannavino, President; David Griffin, Executive Officer. *Université de Montréal:* Louise Nadeau, Full Professor, Research Group on the Social Aspects of Health and Prevention (GRASP). *Traffic Injury Research Foundation:* Robyn Robertson, Chief Executive Officer.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee commenced its study of the comprehensive review of matters related to Impaired Driving.

The witnesses made statements and answered questions.

At 5:24 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/02/11 10:39 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Vice-Chair: R  al M  nard.

**Meeting No. 13**

**Tuesday, February 12, 2008**

**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Hon. Dominic LeBlanc,  
Derek Lee,  
R  al M  nard,  
Rob Moore  
and Daniel Petit.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

**WITNESSES:**

*Mothers Against Drunk Driving:*

Margaret Miller, National President;  
Andrew Murie, Chief Executive Officer.

*Canada Safety Council:*

Raynald Marchand, General Manager of Programs;  
Émile Therrien.

*Centre for Addiction and Mental Health:*

Robert Mann, Senior Scientist, University of Toronto.

*Canadian Automobile Association:*

Chris White, Vice-President, Public Affairs.

Miriam Burke  
Clerk of the Committee

**Français** Close**MINUTES OF PROCEEDINGS**

Meeting No. 13

Tuesday, February 12, 2008

The Standing Committee on Justice and Human Rights met at 3:34 p.m. this day, in Room 371, West Block, the Vice-Chair, Réal Ménard, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Mothers Against Drunk Driving:* Margaret Miller, National President; Andrew Murie, Chief Executive Officer. *Canada Safety Council:* Raynald Marchand, General Manager of Programs; Émile Therrien. *Centre for Addiction and Mental Health:* Robert Mann, Senior Scientist, University of Toronto. *Canadian Automobile Association:* Chris White, Vice-President, Public Affairs.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

The witnesses made statements and answered questions.

At 5:24 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/02/14 11:31 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 14**

**Thursday, February 14, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Friday, November 30, 2007, the Committee resumed consideration of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Guy André for Carole Freeman,  
Rodger Cuzner for Derek Lee,  
and Lloyd St. Amand for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Dominique Valiquet, Analyst;  
Robin MacKay, Analyst.

*House of Commons:*

Michael MacPherson, Legislative Clerk;  
Erica Pereira, Committee Clerk;

**WITNESSES:**

*House of Commons:*

Mark Holland, Ajax—Pickering.

*Department of Justice:*

Karen Markham, Counsel, Criminal Law Policy Section.

*World Society for the Protection of Animals (Canada):*

Melissa Tkachyk, Programs Officer.

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Miriam Burke  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 14

Thursday, February 14, 2008

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Guy André for Carole Freeman, Rodger Cuzner for Derek Lee and Lloyd St. Amand for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Michael MacPherson, Legislative Clerk; Erica Pereira, Committee Clerk.

*Witnesses: House of Commons:* Mark Holland, Ajax—Pickering. *World Society for the Protection of Animals (Canada):* Melissa Tkachyk, Programs Officer. *Department of Justice:* Karen Markham, Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Friday, November 30, 2007, the Committee resumed consideration of Bill S-203, An Act to amend the Criminal Code (cruelty to animals).

The witnesses made statements and answered questions.

At 4:17 p.m., the sitting was suspended.

At 4:20 p.m., the sitting resumed.

The Committee commenced its clause-by-clause study of the Bill.

On Clause 1,

Joe Comartin moved, — That Bill S-203, in Clause 1, be amended by replacing from line 4 on page 1 to line 6 on page 5 with the following:

“1. The heading before section 444 and sections 444 to 447 of the *Criminal Code* are replaced by the following:

*Cruelty to Animals*

444. In sections 444 to 447.3, “animal” means a vertebrate, other than a human being.

445. (1) Every one commits an offence who, wilfully or recklessly,

(a) causes or, being the owner, permits to be caused unnecessary pain, suffering or injury to an animal;

(b) kills an animal or, being the owner, permits an animal to be killed with brutal or vicious intent regardless of whether the animal dies immediately;

(c) kills an animal without lawful excuse;

(d) without lawful excuse, poisons an animal, places poison in such a position that it may easily be consumed by an animal, administers an injurious drug or substance to an animal or, being the owner, permits anyone to do any of those things;

(e) in any manner encourages, promotes, arranges, assists in or receives money for the fighting or baiting of animals, including training an animal to fight another animal;

(f) makes, maintains, keeps or allows to be made, maintained or kept a cockpit or any other arena for the fighting of animals on premises that he or she owns or occupies;

(g) promotes, arranges, conducts, assists in, receives money for or takes part in any meeting, competition, exhibition, pastime, practice, display or event at or in the course of which captive animals are liberated by hand, trap, contrivance or any other means for the purpose of being shot at the moment they are liberated; or

(h) being the owner, occupier or person in charge of any premises, permits the premises or any part of the premises to be used in the course of an activity referred to in paragraph (e) or (g).

(2) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or imprisonment for a term of not more than eighteen months or to both.

446. (1) Every one commits an offence who

(a) negligently causes unnecessary pain, suffering or injury to an animal;

(b) being the owner, or the person having the custody or control of an animal, wilfully or recklessly abandons it or negligently fails to provide suitable and adequate food, water, air, shelter and care for it;  
or

(c) negligently injures an animal while it is being conveyed.

(2) For the purposes of subsection (1), “negligently” means departing markedly from the standard of care that a reasonable person would use.

(3) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than two years; or

(b) an offence punishable on summary conviction and liable to a fine not exceeding five thousand dollars or imprisonment for a term of not more than six months, or to both.



447. (1) The court may, in addition to any other sentence that it may impose under subsection 445(2) or 446(3),

(a) make an order prohibiting the accused from owning, having the custody or control of or residing in the same premises as an animal for any period that the court considers appropriate, and in the case of a second or subsequent offence, for a minimum of five years; and

(b) on application of the Attorney General or on its own motion, order that the accused pay to a person or an organization that has taken care of an animal as a result of the commission of the offence the reasonable costs that the person or organization incurred in respect of the animal, if the costs are readily ascertainable.

(2) Every one who contravenes an order made under paragraph (1)(a) is guilty of an offence punishable on summary conviction.

(3) Sections 740 to 741.2 apply, with any modifications that the circumstances require, to orders made under paragraph (1)(b).

447.1 For greater certainty, the defences set out in subsection 429(2) apply, to the extent that they are relevant, in respect of proceedings for an offence under sections 444 to 447.3.

447.2 For greater certainty, nothing in sections 444 to 447.3 shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the *Constitution Act, 1982*.

447.3 (1) In this section, "law enforcement animal" means a dog, a horse or any other animal used by a peace officer or public officer in the execution of their duties.

(2) Every one commits an offence who wilfully or recklessly poisons, injures or kills a law enforcement animal while it is aiding or assisting a peace officer or public officer engaged in the execution of their duties or a person acting in aid of such an officer.

(3) Every one who commits an offence under subsection (2) is guilty of

(a) an indictable offence and liable to imprisonment for a term of not more than five years; or

(b) an offence punishable on summary conviction and liable to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than eighteen months, or to both.

(4) The court may, in addition to any other sentence that it may impose under subsection (3), order the accused to pay all reasonable costs associated with the loss of or injury to the law enforcement animal as a result of the commission of the offence, if the costs are readily ascertainable."

Debate arose thereon.

At 4:30 p.m., Réal Ménard took the Chair.

At 4:35 p.m., Art Hanger took the Chair.

The question was put on the amendment of Joe Comartin and it was negatived on the following recorded



division: YEAS: Guy André, Joe Comartin, Réal Ménard — 3; NAYS: Larry Bagnell, Blaine Calkins, Rodger Cuzner, Dominic LeBlanc, Rob Moore, Daniel Petit, Lloyd St. Amand — 7.

Réal Ménard moved, — That Bill S-203, in Clause 1, be amended by adding after line 6 on page 5 the following:

“447.2 For the purposes of sections 444 to 447.1, “animal” means any vertebrate, with the exception of human beings and cattle.”

The question was put on the amendment of Réal Ménard and it was negatived on the following recorded division: YEAS: Guy André, Joe Comartin, Réal Ménard — 3; NAYS: Larry Bagnell, Blaine Calkins, Rodger Cuzner, Rick Dykstra, Dominic LeBlanc, Rob Moore, Daniel Petit, Lloyd St. Amand — 8.

The Chair ruled that the following thirteen (13) amendments were consequential to the previous amendment and therefore they were also negatived:

That Bill S-203, in Clause 1, be amended by replacing lines 25 and 26 on page 1 with the following:

“injures an animal kept for a lawful purpose;”

That Bill S-203, in Clause 1, be amended by replacing lines 29 and 30 on page 1 with the following:

“may easily be consumed by an animal kept for”

That Bill S-203, in Clause 1, be amended by replacing lines 15 and 16 on page 2 with the following:

“pain, suffering or injury to an animal;”

That Bill S-203, in Clause 1, be amended by replacing lines 18 and 19 on page 2 with the following:

“assists at the fighting or baiting of animals;”

That Bill S-203, in Clause 1, be amended by replacing lines 21 to 25 on page 2 with the following:

“an animal wild by nature that is kept in captivity or, being the owner of such an animal,”

That Bill S-203, in Clause 1, be amended by replacing line 33 on page 2 with the following:

“course of which captive animals are”

That Bill S-203, in Clause 1, be amended by replacing line 9 on page 3 with the following:

“supervision of an animal thereby”

That Bill S-203, in Clause 1, be amended by replacing line 18 on page 3 with the following:

“animals is, in the absence of any”

That Bill S-203, in Clause 1, be amended by replacing line 25 on page 3 with the following:

“injury to an animal while it is”

That Bill S-203, in Clause 1, be amended by replacing line 29 on page 3 with the following:

“animal or an animal”

That Bill S-203, in Clause 1, be amended by replacing line 4 on page 4 with the following:

“supervision of an animal thereby”

That Bill S-203, in Clause 1, be amended by replacing line 36 on page 4 with the following:

“animal during any period that the”

That Bill S-203, in Clause 1, be amended

(a) by replacing line 43 on page 4 with the following:

“taken care of an animal as a result”

(b) by replacing, in the English version, line 47 on page 4 with the following:

“animal, if the costs are readily”

Réal Ménard moved, — That Bill S-203, in Clause 1, be amended by replacing line 24 on page 3 with the following:

“(a) by negligent behaviour that is a marked departure from the behaviour an individual would normally adopt causes damage or”

The question was put on the amendment of Réal Ménard and it was negatived, by a show of hands: YEAS: 3; NAYS: 8.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following four (4) amendments which are therefore also negatived:

That Bill S-203, in Clause 1, be amended by replacing lines 25 and 26 on page 3 with the following:

“injury to an animal; or”

That Bill S-203, in Clause 1, be amended by replacing line 7 on page 4 with the following:

“the damage or injury was caused by”

That Bill S-203, in Clause 1, be amended by replacing lines 12 and 13 on page 4 with the following:

“occupies, allows a cockpit to be built, made, maintained or kept on such premises, or trains cocks for cockfighting.”

That Bill S-203, in Clause 1, be amended by replacing lines 38 and 39 on page 4 with the following:

“of a second or subsequent offence, for life; and”

Joe Comartin moved, — That Bill S-203, in Clause 1, be amended by replacing lines 26 to 31 on page 1 with the following:

“cattle; or

(b) places poison in such a position that it may easily be consumed by dogs, birds or animals that are not cattle.”

After debate, the question was put on the amendment of Joe Comartin and it was negatived, by a show of hands: YEAS: 3; NAYS: 7.

By unanimous consent, it was agreed, — That the result of the vote on the previous amendment be applied to the following two (2) amendments which are therefore also negatived:

That Bill S-203, in Clause 1, be amended by replacing lines 17 to 19 on page 2 with the following:

“(b) in any manner attends, encourages, promotes, arranges, assists in, or receives money for the fighting or baiting of animals or birds, including keeping or managing premises for the purpose of fighting of animals or training an animal to fight another animal;”

That Bill S-203, in Clause 1, be amended by replacing lines 24 to 33 on page 3 with the following:

“(a) negligently causes unnecessary pain, suffering or injury to an animal;

(b) being the owner or the person having the custody or control of an animal, wilfully or recklessly abandons it or negligently fails to provide suitable and adequate food, water, air, shelter and care for it; or

(c) negligently injures an animal while it is being conveyed.”

Clause 1 carried on the following recorded division: YEAS: Guy André, Larry Bagnell, Blaine Calkins, Rodger Cuzner, Rick Dykstra, Dominic LeBlanc, Réal Ménard, Rob Moore, Daniel Petit, Lloyd St. Amand — 10; NAYS: Joe Comartin — 1.

The Title carried on division.

The Bill carried on division.

ORDERED, — That the Chair report the Bill to the House.

The Committee proceeded to the consideration of matters related to Committee business *in camera*.

The Chair presented the Third Report from the Subcommittee on Agenda and Procedure which read as follows:

That on February 26, 2008, the Committee meeting be cancelled due to the Budget presentation and that all witnesses scheduled for that day be rescheduled for February 28, 2008.



On Bill C-31:

That the Minister of Justice and senior officials be invited to appear on March 4, 2008, and that the Committee proceed to clause-by-clause consideration following the Minister's appearance the same day.

On the Study on Impaired Driving:

That Department of Justice officials including, Mr. Greg Yost, be invited to appear on February 28, 2008;

That on March 6, 2008, the Committee begin consideration of a draft report.

On Bill C-426:

That the Committee consider Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants) on Wednesday, March 5, 2008, at 3:30 p.m.

That Mr. Ménard, (Marc-Aurèle-Fortin) be invited to appear. That other witnesses (to be determined) be invited to appear.

That the Committee proceed to clause-by-clause consideration on March 5, 2008, or on March 6, 2008, if necessary.

On Bill C-27:

That the Committee begin hearings on Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct) on March 11, 2008.

That the Committee hold hearings on Bill C-27 on March 11 and 13 and April 1 and 3, 2008.

That the Minister of Justice and senior officials be invited to appear on March 11, 2008.

That the following witnesses be invited to appear :

- Canadian Bar Association
- *Barreau du Québec*
- Privacy Commissioner of Canada
- Competition Bureau of Canada
- Eugene Oscapelle
- Canadian Association of Chiefs of Police
- Canadian Police Association
- Ottawa Police Identity Theft Branch

- Credit Union Central of Canada
- Phone Busters, The Canadian Anti-Fraud Call Centre
- Canadian Internet Policy and Public Interest Clinic
- Private Investigators Association
- Criminal Intelligence Service Canada
- *Option consommateurs*
- Equifax Canada or TransUnion Canada
- Canadian Bankers Association
- Interac Association
- Mastercard or Visa
- Canada's Office of Consumers Affairs, Industry Canada – Consumer Measures Committee

That the Committee proceed to clause-by-clause consideration on April 8, 2008.

At 6:00 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/02/27 4:16 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 15**

**Thursday, February 28, 2008**

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**ORDER OF THE DAY:**

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Mark Warawa for Rob Moore.

**IN ATTENDANCE:**

*Library of Parliament:*  
Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

**WITNESSES:**

*Canadian Centre on Substance Abuse:*

Douglas Beirness, Manager, Research and Policy.

*Canadian Council of Motor Transport Administrators:*

Kwei Quaye, Chair, Strategy to Reduce Impaired Driving;

Paul Boase, Co-Chair, Strategy to Reduce Impaired Driving.

*As Individuals:*

Thomas G. Brown, Researcher;

Frank Hoskins, Q.C..

*Canadian Society of Forensic Science:*

Robert M. Langille, Chair, Alcohol Test Committee.

*Department of Justice:*

Greg Yost, Counsel, Criminal Law Policy Section;

Hal Pruden, Counsel, Criminal Law Policy Section.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 15

Thursday, February 28, 2008

The Standing Committee on Justice and Human Rights met at 3:29 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Brian Murphy and Daniel Petit.

*Acting Members present:* Mark Warawa for Rob Moore.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst.

*Witnesses: Canadian Centre on Substance Abuse:* Douglas Beirness, Manager, Research and Policy. *Canadian Council of Motor Transport Administrators:* Kwei Quaye, Chair, Strategy to Reduce Impaired Driving; Paul Boase, Co-Chair, Strategy to Reduce Impaired Driving. *As individuals:* Thomas G. Brown, Researcher; Frank Hoskins, Q.C.. *Canadian Society of Forensic Science:* Robert M. Langille, Chair, Alcohol Test Committee. *Department of Justice:* Greg Yost, Counsel, Criminal Law Policy Section; Hal Pruden, Counsel, Criminal Law Policy Section.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

The witnesses made statements and answered questions.

At 5:20 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/02/29 11:49 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 16**

**Tuesday, March 4, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, January 28, 2008, the Committee commenced consideration of Bill C-31, An Act to amend the Judges Act.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Marc Lemay for Carole Freeman.

**IN ATTENDANCE:**



*Library of Parliament:*

Robin MacKay, Analyst.

*Canada-France Interparliamentary Association:*

Dominique Valiquet, Analyst.

*House of Commons:*

Mike MacPherson, Legislative Clerk;

Erica Pereira, Committee Clerk;

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

Judith Bellis, General Counsel, Judicial Affairs, Courts and Tribunal Policy;

Catherine McKinnon, Counsel, Judicial Affairs, Courts and Tribunal Policy;

David Near, Judicial Affairs Advisor.

Miriam Burke  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 16

Tuesday, March 4, 2008

The Standing Committee on Justice and Human Rights met in a televised session at 3:31 p.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Marc Lemay for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst. *Canada-France Interparliamentary Association:* Dominique Valiquet, Analyst. *House of Commons:* Mike MacPherson, Legislative Clerk; Erica Pereira, Committee Clerk.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* Judith Bellis, General Counsel, Judicial Affairs, Courts and Tribunal Policy; Catherine McKinnon, Counsel, Judicial Affairs, Courts and Tribunal Policy; David Near, Judicial Affairs Advisor.

Pursuant to the Order of Reference of Monday, January 28, 2008, the Committee commenced consideration of Bill C-31, An Act to amend the Judges Act.

The Chair called Clause 1.

The Minister made a statement and, with the other witnesses, answered questions.

At 4:33 p.m., the sitting was suspended.

At 4:36 p.m., the sitting resumed.

The Committee commenced its clause-by-clause study of the Bill.

Clause 1 carried.

The Title carried.

The Bill carried.

ORDERED, — That the Chair report the Bill to the House.

At 4:37 p.m., the sitting was suspended.

At 4:38 p.m., the sitting resumed.

The Committee proceeded to the consideration of matters related to Committee business *in camera*.

It was agreed, — That the proposed budget in the amount of \$ 15,250, for its study on Bill C-426 be adopted.

It was agreed, — That the proposed budget in the amount of \$ 18,800 for its study on Bill C-27 be adopted.

At 4:55 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/03/07 2:13 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 17**

**Wednesday, March 5, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, November 28, 2007, the Committee commenced consideration of Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

David Christopherson for Joe Comartin,  
Serge Ménard for Carole Freeman,  
and Bev Shipley for Rick Dykstra.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.  
*House of Commons:*  
Erica Pereira, Committee Clerk;

**WITNESSES:**

Serge Ménard, Marc-Aurèle-Fortin.

*Department of Justice:*

Josée Desjardins, General Counsel and Director, National Security Group;  
Karen Markham, Counsel, Criminal Law Policy Section.

*Department of National Defence:*

LCol Jill Wry, Director of Law, Military Justice, Policy and Research,  
Office of the Judge Advocate General.

*Alberta Justice:*

Joshua Hawkes, Appellate Counsel, Appeals Branch.

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Miriam Burke  
Clerk of the Committee



Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 17

Wednesday, March 5, 2008

The Standing Committee on Justice and Human Rights met at 3:33 p.m. this day, in Room 308, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* David Christopherson for Joe Comartin, Serge Ménard for Carole Freeman and Bev Shipley for Rick Dykstra.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Erica Pereira, Committee Clerk.

*Witnesses:* Serge Ménard, Marc-Aurèle-Fortin. *Department of Justice:* Josée Desjardins, General Counsel and Director, National Security Group; Karen Markham, Counsel, Criminal Law Policy Section. *Department of National Defence:* LCol Jill Wry, Director of Law, Military Justice, Policy and Research, Office of the Judge Advocate General. *Alberta Justice:* Joshua Hawkes, Appellate Counsel, Appeals Branch.

Pursuant to the Order of Reference of Wednesday, November 28, 2007, the Committee commenced consideration of Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

The Chair called Clause 1.

Mr. Ménard (Marc-Aurèle-Fortin) made a statement and answered questions.

At 4:33 p.m., the sitting was suspended.

At 4:34 p.m., the sitting resumed.

The witnesses made statements and answered questions.

At 5:20 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/03/07 2:25 p.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 18**

**Thursday, March 6, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, November 28, 2007, the Committee commenced consideration of Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

The Committee proceeded to the consideration of matters related to Committee business.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Art Hanger,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Serge Ménard for Carole Freeman.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

Miriam Burke, Procedural Clerk;  
Mike MacPherson, Legislative Clerk.

Erica Pereira  
Clerk of the Committee

## MINUTES OF PROCEEDINGS

Meeting No. 18

Thursday, March 6, 2008

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Serge Ménard for Carole Freeman.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Miriam Burke, Procedural Clerk; Mike MacPherson, Legislative Clerk.

Pursuant to the Order of Reference of Wednesday, November 28, 2007, the Committee commenced consideration of Bill C-426, An Act to amend the Canada Evidence Act (protection of journalistic sources and search warrants).

On motion of Rob Moore, it was agreed, — Whereas the House of Commons, on Monday, March 3rd passed a motion referring the nomination of Mr. Brian Saunders as Director of Public Prosecutions to the House Standing Committee on Justice and Human Rights for review; Be it resolved that the House of Commons Standing Committee on Justice and Human Rights undertake this review on Wednesday March 12th 2008 from 3:30 to 5:30 p.m., at which time M. Saunders will be invited to testify.

The witnesses made statements and answered questions.

At 16:44 p.m., the sitting was suspended.

At 16:48 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That clause-by-clause of Bill C-426 be postponed.

Pursuant to Standing Order 108(2) and the motion adopted by the Committee on Tuesday, November 27, 2007, the Committee resumed its study of the comprehensive review of matters related to Impaired Driving.

The Committee proceeded to the consideration of a draft report.

At 5:19 p.m., the Committee adjourned to the call of the Chair.

Erica Pereira  
Clerk of the Committee



2008/03/07 2:26 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 19**

**Tuesday, March 11, 2008**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, January 30, 2008, the Committee commenced consideration of Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Ed Komarnicki for Rick Dykstra,

and Ed Komarnicki for Art Hanger.

**ASSOCIATE MEMBERS PRESENT:**

Richard Harris  
and Myron Thompson.

**OTHER MEMBERS PRESENT:**

Paul Szabo.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

James M. Latimer, Procedural Clerk;

**APPEARING:**

Hon. Rob Nicholson, Minister of Justice.

**WITNESSES:**

*Department of Justice:*

William C. Bartlett, Senior Counsel, Criminal Law Policy Section;  
Christopher Ram, Legal Counsel, Criminal Law Policy Section.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 19

Tuesday, March 11, 2008

The Standing Committee on Justice and Human Rights met in a televised session at 3:29 p.m. this day, in Room 237-C, Centre Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Ed Komarnicki for Rick Dykstra and Ed Komarnicki for Art Hanger.

*Associate Members present:* Richard Harris and Myron Thompson.

*Other Members present:* Paul Szabo.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* James M. Latimer, Procedural Clerk.

*Appearing:* Hon. Rob Nicholson, Minister of Justice.

*Witnesses: Department of Justice:* William C. Bartlett, Senior Counsel, Criminal Law Policy Section; Christopher Ram, Legal Counsel, Criminal Law Policy Section.

Pursuant to the Order of Reference of Wednesday, January 30, 2008, the Committee commenced consideration of Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

It was agreed, — That the Committee proceed to Committee Business at 5:00 p.m.

The Chair calls Clause 1.

The Minister made a statement and, with Mr. Bartlett, answered questions.

At 5:01 p.m., the sitting was suspended.

At 5:03 p.m., the sitting resumed *in camera*.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee proceed to sit in public.

At 5:11 p.m., the sitting was suspended.

At 5:12 p.m., the sitting resumed in public.

Dominic LeBlanc moved, — That, in order to determine whether Section 119 of the Criminal Code and

Section 41 of the Parliament of Canada Act currently serve as effective deterrents in preventing attempts to bribe Members of Parliament, this committee hold additional meetings specifically for the purpose of conducting an immediate study into allegations that Chuck Cadman was offered financial inducements in exchange for voting with the Conservatives in the House of Commons.

#### RULING BY THE CHAIR

The Chair ruled the motion inadmissible as it was beyond the scope of the mandate of the Committee.

Whereupon, Réal Ménard appealed the decision of the Chair.

The Chair left the chair.

The Vice-Chair, Brian Murphy, took the Chair.

Derek Lee moved, — That the Committee do now adjourn.

The question was put on the motion and it was agreed to, by a show of hands: YEAS: 6; NAYS: 4.

At 5:26 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/03/31 10:54 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 20**

**Wednesday, March 12, 2008**

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**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Monday, March 3, 2008, the Committee commenced the statutory review of the proposed appointment of Brian J. Saunders as the Director of Public Prosecutions.

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Russ Hiebert for Art Hanger,  
and Mark Holland for Brian Murphy.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

James M. Latimer, Procedural Clerk.

**WITNESSES:**

*Public Prosecution Service of Canada:*

Brian Saunders, Acting Director of Public Prosecutions.

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Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 20

Wednesday, March 12, 2008

The Standing Committee on Justice and Human Rights met at 3:35 p.m. this day, in Room 213, Wellington Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Russ Hiebert for Art Hanger and Mark Holland for Brian Murphy.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* James M. Latimer, Procedural Clerk.

*Witnesses: Public Prosecution Service of Canada:* Brian Saunders, Acting Director of Public Prosecutions.

Pursuant to the Order of Reference of Monday, March 3, 2008, the Committee commenced the statutory review of the proposed appointment of Brian J. Saunders as the Director of Public Prosecutions.

The Committee resumed consideration of the challenge to the Chair's ruling on the motion of Dominic Leblanc of Tuesday, March 11, 2008.

Whereupon the Chair left the chair.

The Vice-Chair, Réal Ménard, took the Chair.

At 3:50 p.m., the Committee adjourned until March 13, 2008 at, 3:30 p.m.

Miriam Burke  
Clerk of the Committee

2008/03/31 10:54 a.m.



HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 21**

**Tuesday, April 1, 2008**

**ORDER OF THE DAY:**

Pursuant to the Order of Reference of Wednesday, January 30, 2008, the Committee resumed consideration of Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Jean-Claude D'Amours for Brian Murphy,  
and Penny Priddy for Joe Comartin.



**ASSOCIATE MEMBERS PRESENT:**

Steven John Fletcher  
and James Rajotte.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;  
Dominique Valiquet, Analyst.

*House of Commons:*

James M. Latimer, Procedural Clerk.

**WITNESSES:**

*Office of the Privacy Commissioner of Canada:*

Jennifer Stoddart, Privacy Commissioner;  
Lisa Campbell, Senior Legal Counsel.

*Canadian Internet Policy and Public Interest Clinic:*

Philippa Lawson, Executive Director.

*Information Technology Association of Canada:*

Bernard A. Courtois, President and Chief Executive Officer;  
David Elder, Vice-President, Regulatory Law and Privacy  
Ombudsman, Bell Canada.

*Canadian Association of Chiefs of Police:*

Clayton J.D. Pecknold, Deputy Chief, Central Saanich Police  
Service;  
Michel Forget, Investigation Division on Economic Crime, Sûreté  
du Québec.

*As an Individual:*

Michael Geist, Canada Research Chair, Internet and E-commerce  
Law, University of Ottawa.

*Royal Canadian Mounted Police:*

Barry Baxter, Inspector, Counterfeit and Identity Fraud,  
Commercial Crime Branch;  
Stephen Foster, Director, Commercial Crime Branch;  
Raj Kler, Corporal, Organized Crime Branch.

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Miriam Burke  
Clerk of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 21

Tuesday, April 1, 2008

The Standing Committee on Justice and Human Rights met at 3:30 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore and Daniel Petit.

*Acting Members present:* Jean-Claude D'Amours for Brian Murphy and Penny Priddy for Joe Comartin.

*Associate Members present:* Steven John Fletcher and James Rajotte.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* James M. Latimer, Procedural Clerk.

*Witnesses: Office of the Privacy Commissioner of Canada:* Jennifer Stoddart, Privacy Commissioner; Lisa Campbell, Senior Legal Counsel. *Canadian Internet Policy and Public Interest Clinic:* Philippa Lawson, Executive Director. *Information Technology Association of Canada:* Bernard A. Courtois, President and Chief Executive Officer; David Elder, Vice-President, Regulatory Law and Privacy Ombudsman, Bell Canada. *Canadian Association of Chiefs of Police:* Clayton J.D. Pecknold, Deputy Chief, Central Saanich Police Service; Michel Forget, Investigation Division on Economic Crime, Sûreté du Québec. *As an individual:* Michael Geist, Canada Research Chair, Internet and E-commerce Law, University of Ottawa. *Royal Canadian Mounted Police:* Barry Baxter, Inspector, Counterfeit and Identity Fraud, Commercial Crime Branch; Stephen Foster, Director, Commercial Crime Branch; Raj Kler, Corporal, Organized Crime Branch.

Pursuant to the Order of Reference of Wednesday, January 30, 2008, the Committee resumed consideration of Bill C-27, An Act to amend the Criminal Code (identity theft and related misconduct).

The Committee resumed consideration of the challenge to the Chair's ruling on the motion of Dominic LeBlanc of Tuesday, March 11, 2008.

Whereupon the Chair left the chair.

The Vice-Chair, Réal Ménard, took the Chair.

At 3:42 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/04/02 2:29 p.m.





HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 22**

**Thursday, April 3, 2008**

**IN-CAMERA:**



Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 22

Thursday, April 3, 2008

The Standing Committee on Justice and Human Rights met *in camera* at 3:30 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Ken Epp for Art Hanger, Hon. Marlene Jennings for Hon. Dominic LeBlanc and Hon. Robert Thibault for Hon. Dominic LeBlanc.

*Associate Members present:* Bruce Stanton.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* James M. Latimer, Procedural Clerk.

The Committee proceeded to the consideration of matters related to Committee business.

At 3:58 p.m., the Chair left the chair.

The Vice-Chair, Brian Murphy, took the Chair.

At 4:02 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/04/10 1:27 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 23**

**Tuesday, April 8, 2008**

**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Ken Epp for Art Hanger,  
and Hon. Gurbax Malhi for Hon. Larry Bagnell.

**ASSOCIATE MEMBERS PRESENT:**

Rob Clarke.



**IN ATTENDANCE:**

*Library of Parliament:*

Dominique Valiquet, Analyst;

Robin MacKay, Analyst.

*House of Commons:*

James M. Latimer, Procedural Clerk.

Miriam Burke  
Clerk of the Committee

**Français** Close**MINUTES OF PROCEEDINGS**

Meeting No. 23

Tuesday, April 8, 2008

The Standing Committee on Justice and Human Rights met *in camera* at 3:33 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Ken Epp for Art Hanger and Hon. Gurbax Malhi for Hon. Larry Bagnell.

*Associate Members present:* Rob Clarke.

*In attendance: Library of Parliament:* Dominique Valiquet, Analyst; Robin MacKay, Analyst. *House of Commons:* James M. Latimer, Procedural Clerk.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee proceed to sit in public.

At 3:36 p.m., the Committee proceeded to the consideration of matters related to Committee business.

The Committee resumed consideration of the challenge to the Chair's ruling on the motion of Dominic LeBlanc of Tuesday, March 11, 2008.

Whereupon, the Chair left the chair.

The Vice-Chair, Brian Murphy, took the Chair.

At 4:05 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/04/10 1:37 p.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 24**

**Tuesday, April 15, 2008**

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**ORDER OF THE DAY:**

The Committee proceeded to the consideration of matters related to Committee business.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Hon. Sue Barnes for Derek Lee,  
Brian Masse for Joe Comartin,  
David J. McGuinty for Hon. Dominic LeBlanc,  
and Chris Warkentin for Blaine Calkins.

**ASSOCIATE MEMBERS PRESENT:**

Ken Epp  
and Colin Mayes.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

James M. Latimer, Procedural Clerk.

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Miriam Burke  
Clerk of the Committee



## MINUTES OF PROCEEDINGS

Meeting No. 24

Tuesday, April 15, 2008

The Standing Committee on Justice and Human Rights met *in camera* at 3:32 p.m. this day, in Room 371, West Block, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Rick Dykstra, Carole Freeman, Art Hanger, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Hon. Sue Barnes for Derek Lee, Brian Masse for Joe Comartin, David J. McGuinty for Hon. Dominic LeBlanc and Chris Warkentin for Blaine Calkins.

*Associate Members present:* Ken Epp and Colin Mayes.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* James M. Latimer, Procedural Clerk.

The Committee proceeded to the consideration of matters related to Committee business.

It was agreed, — That the Committee proceed to sit in public.

The Committee resumed consideration of the challenge to the Chair's ruling on the motion of Dominic LeBlanc of Tuesday, March 11, 2008.

Whereupon, the Chair left the chair.

The Vice-Chair, Brian Murphy, took the Chair.

At 3:37 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/04/17 10:09 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 25**

**Wednesday, May 7, 2008**

**ORDER OF THE DAY:**

Pursuant to Standing Order 106(4), the Committee commenced consideration of the request by four (4) members of the Committee to discuss their request to consider the motion moved by the member from Beauséjour on Tuesday, March 11, 2008.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Joe Comartin,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Derek Lee,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

Angela Crandall, Procedural Clerk.

Miriam Burke  
Clerk of the Committee

**Français** Close

## MINUTES OF PROCEEDINGS

Meeting No. 25

Wednesday, May 7, 2008

The Standing Committee on Justice and Human Rights met at 3:34 p.m. this day, in Room 213, Wellington Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Joe Comartin, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Derek Lee, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Angela Crandall, Procedural Clerk.

Pursuant to Standing Order 106(4), the Committee commenced consideration of the request by four (4) members of the Committee to discuss their request to consider the motion moved by the member from Beauséjour on Tuesday, March 11, 2008.

At 3:39 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/05/08 9:14 a.m.

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HOUSE OF COMMONS OF CANADA  
39th PARLIAMENT, 2nd SESSION

**MINUTES OF PROCEEDINGS**  
**STANDING COMMITTEE ON JUSTICE AND HUMAN  
RIGHTS**

Chair: Art Hanger.

**Meeting No. 26**

**Wednesday, May 14, 2008**

**ORDER OF THE DAY:**

Pursuant to Standing Order 106(4), the Committee commenced consideration of the request by four (4) members of the Committee to discuss their request to proceed to the vote on the appeal of the ruling of the Chair concerning the motion moved by the member from Beauséjour on March 11, 2008.

**MEMBERS OF THE COMMITTEE PRESENT:**

Hon. Larry Bagnell,  
Blaine Calkins,  
Rick Dykstra,  
Carole Freeman,  
Art Hanger,  
Hon. Dominic LeBlanc,  
Réal Ménard,  
Rob Moore,  
Brian Murphy  
and Daniel Petit.

**ACTING MEMBERS PRESENT:**

Rodger Cuzner for Derek Lee.

**OTHER MEMBERS PRESENT:**

Irene Mathyssen.

**IN ATTENDANCE:**

*Library of Parliament:*

Robin MacKay, Analyst;

Dominique Valiquet, Analyst.

*House of Commons:*

Justin Vaive, Procedural Clerk.

Miriam Burke  
Clerk of the Committee

Français

Close

## MINUTES OF PROCEEDINGS

Meeting No. 26

Wednesday, May 14, 2008

The Standing Committee on Justice and Human Rights met at 3:37 p.m. this day, in Room 214, Wellington Building, the Chair, Art Hanger, presiding.

*Members of the Committee present:* Hon. Larry Bagnell, Blaine Calkins, Rick Dykstra, Carole Freeman, Art Hanger, Hon. Dominic LeBlanc, Réal Ménard, Rob Moore, Brian Murphy and Daniel Petit.

*Acting Members present:* Rodger Cuzner for Derek Lee.

*Other Members present:* Irene Mathysen.

*In attendance: Library of Parliament:* Robin MacKay, Analyst; Dominique Valiquet, Analyst. *House of Commons:* Justin Vaive, Procedural Clerk.

Pursuant to Standing Order 106(4), the Committee commenced consideration of the request by four (4) members of the Committee to discuss their request to proceed to the vote on the appeal of the ruling of the Chair concerning the motion moved by the member from Beauséjour on March 11, 2008.

At 3:43 p.m., the Committee adjourned to the call of the Chair.

Miriam Burke  
Clerk of the Committee

2008/05/15 2:41 p.m.

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